Region 10 Regional Administrator meeting with Pebble Limited Partnership CEO

Topic: Requested by PLP as a "courtesy visit with the RA"

Meeting Date: June 7, 2018

Location: Regional Office; RA's conference room (Seattle, WA)

List of Third Party Attendees (including affiliation):

Tom Collier (CEO, PLP)

Did EPA decide which third parties would attend?: No; meeting was at request of Tom Collier

List of EPA Attendees:

- Chris Hladick (Regional Administrator)
- David Allnutt (Director, OERA)

Agenda: none

Did EPA/Third Party Set the Agenda?: n/a

Did EPA/Third Party Run the Meeting: meeting was held as a meet and greet.

Notes from Discussion (including individual advice/feedback provided to Agency):

- *This section is intended to compile individual input received from meeting attendees. It does not reflect group advice.
 - Meeting began at 2pm Seattle time.
 - Collier confirmed that he had no agenda for the meeting other than to introduce himself to Hladick and let EPA know what was happening with the Corps' consideration of the Pebble Mine project.
 - o The Corps' scoping public comment period concludes at the end of this month.
 - O The Corps has been processing comments as they come in.
 - Current plan is to have a draft EIS approximately one year from now (spring 2019).
 - Hladick conveyed his understanding that PLP has been studying the project area for many years.
 - Collier stated that he had worked in permitting his whole career and had never seen a project that considered more alternatives than have been considered for this mine.
 - But he acknowledged that the EIS process could suggest new alternatives that PLP has not yet considered.



Non-Responsive: Potential Confidential Business Information Identified by the Pebble Limited Partnership

- Hladick expressed his appreciation for the information and for Collier's time.
- Meeting adjourned at approximately 2:25pm Seattle time.

Next Steps/Follow-up Discussed: None

Instructions

When EPA hosts a meeting, designate a note taker. After the meeting, the note taker should copy and paste the template into this running word document and fill out the relevant information. The note taker should then notify other EPA attendees so that they can verify that the meeting notes are accurate.

Template for Meeting Notes

TITLE
Topic:
Meeting Date:
Location:
List of Third Party Attendees (including affiliation):
•
Did EPA decide which third parties would attend?: Yes/No/Explain
List of EPA Attendees:
•
Agenda:
Did EPA/Third Party Set the Agenda?:
Did EPA/Third Party Run the Meeting:
Notes from Discussion (including individual advice/feedback provided to Agency):
*This section is intended to compile individual input received from meeting attendees. It does not
reflect group advice.
Next Steps/Follow-up Discussed: None

TITLE
Topic: DAA Lee Forsgren Meeting with Sport Fishing Group on Bristol Bay/Pebble Mine

Location: EPA Headquarters

Meeting Date: 12/11/2018, 1:00 PM

List of Third Party Attendees (including affiliation):

External: Brian Kraft, Owner of Alaska Sportsmen's Lodge; K.C. Walsh, President of Simms Fishing Products; Jeff Crane, President of the Congressional Sportsmen's Foundation; Meghan Morris, Bass Pro Foundation and Philanthropy Advisor; Sara Tucker, Natural Resource Results.

Did EPA decide which third parties would attend?: Yes/No/Explain

List of EPA Attendees:

EPA: DAA Lee Forsgren, Clay Miller, Brittany Bennett

Agenda:

Did EPA/Third Party Set the Agenda?:

Did EPA/Third Party Run the Meeting:

Notes from Discussion (including individual advice/feedback provided to Agency):

- All external attendees spoke of personal connections to the Bristol Bay watershed and fisheries. Several also spoke of the value of the fisheries to their businesses and customers, as well as the global economy.
- Attendees emphasized that the process (presumably 404 and NEPA) is important and ought to be robust. Attendees also expressed concerns that the process will be predetermined by political pressure.
- One attendee questioned whether the EIS would consider the cumulative impact to the
 watershed of an expanded mine, citing that Pebble's permit application is for a much smaller
 mine than originally touted and that the attendee expects it will grow over time.
 - Forsgren responded that cumulative and regional impacts are typically considered in an EIS, and that any expansion would likely require additional permits because it is likely that the area they would expand to would be jurisdiction (even under the proposed WOTUS definition).
- One attendee asked for clarity about EPA's piecemeal comments on the EIS/404 process.
 - Forsgren responded that we are getting materials piecemeal and responding to them as we receive them.
- Attendees submitted a table titled "Informational Gaps Identified in the Pebble Project EIS
 Scoping Report." [This will be saved in EPA's SharePoint]. Attendees stated that they are
 concerned the EIS will overlook the listed elements and that they are advocating for a robust
 process. One attendee stated that their biggest concern is water disposal, water use,
 perpetual maintenance of the tailings dam, and that discharges into Upper Talarik Creek seem
 to absent in the EIS.
 - Forsgren skimmed through this list and responded that we would engage to some
 extent via commenting in: (1) surface water issues, (2) groundwater where a surface
 water interface exists, (3) injections into aquifers and wells, (4) long term water
 quality monitoring, and (5) seismic activity as it relates to water quality).
- Attendees provided a copy of a letter submitted to ASA Civil Works R.D. James requesting to suspend the permit review process until Corps receives more information regarding the Pebble permit application.

Next Steps/Follow-up Discussed: None

Meeting Notes: 12/10/18 EPA/Seafood Industry Mtg on Pebble Mine

Topic: EPA/Seafood Industry Mtg on Pebble Mine

Meeting Date: December 10, 2018

Location: Region 10 Offices, Seattle, WA

List of Third Party Attendees (including affiliation):

- Joseph Chythlook (BBNC Chairman)
- Everette Anderson (BBNC Director)
- Glenn Reed (Pacific Seafood Processors Association)
- Jon Bridge (Ben Bridge Jewelers)

- Daniel Cheyette (BBNC, Lands and Natural Resources)
- Brett Veerhusen (Businesses for Bristol Bay)
- Peter Van Tuyn (Bessenyey & Van Tuyn, outside counsel for BBNC)

Did EPA decide which third parties would attend?: Yes/No/Explain

No – request for meeting and invite list came from Dan Cheyette at BBNC

List of EPA Attendees:

- Chris Hladick, RA
- David Allnutt, Director, OERA

Agenda: none

Did EPA/Third Party Set the Agenda?: n/a

Did EPA/Third Party Run the Meeting: n/a

Notes from Discussion (including individual advice/feedback provided to Agency):

*This section is intended to compile individual input received from meeting attendees. It does not reflect group advice.

<u>Dan Cheyette</u>: Conveyed his desire to use this meeting to exchange information on the ongoing Corps NEPA process and any updates regarding the status of EPA's pending CWA § 404(c) Proposed Determination.

Meeting opened with introductions from the external visitors.

<u>Peter Van Tuyn</u>: Urged EPA not to equate opposition to the recent Alaska Ballot Measure 1 (salmon initiative) with support for Pebble mine development. For example, Glenn Reed and his organization opposed the salmon initiative but also oppose development of the mine.

<u>Joe Chythlook</u>: This was record-setting year for salmon fishing in Bristol Bay. Everyone he talked to did very well commercially, and it was also a good year for subsistence. Would like to ensure that the people of Bristol Bay region can continue to live that way of life.

<u>Everette Anderson</u>: Bristol Bay is the last place of its kind. Strong cultural ties; strong commercial ties.

<u>DC</u>: 60M+ sockeye were harvested in Bristol Bay in 2018; the fishery is the economic cornerstone of region. But it's not just about the fisheries.

<u>Brett Veerhusen</u>: Opposition to the mine is not just about the 14k direct jobs; also reflects a desire to protect secondary and tertiary jobs worldwide. For the seafood industry, it's very important to keep trust with consumers. Alaska seafood is currently the no. 1 trusted source of protein.

<u>Jon Bridge</u>: Consumer trust is also important for the jewelry industry – public interest in "blood diamonds" several years ago demonstrated this phenomenon. Ben Bridge supports the Responsible

Jewelry Council, which promotes fair labor and environmental standards for resource extraction. Ben Bridge has two stores in AK, so has been close to the Pebble issue in particular for many years.

<u>Glenn Reed</u>: don't neglect jobs outside of fishing and processing sectors. For example, BB fishery is very important for Alaska's transportation sector.

<u>DC</u>: The Corps' schedule for processing PLP's permit application seems very aggressive and unrealistic.

<u>Chris Hladick</u>: EPA has registered its concerns on the Corps' proposed schedule. David can describe what the PD did and didn't do and where we are procedurally on that.

<u>David Allnutt</u>: Provided an overview of EPA's role in issuing the PD, proposing to withdraw it, and then suspending withdrawal proceedings. Emphasized that the PD proposes restrictions on mining the Pebble deposit but does not prohibit or veto such mining.

EPA has organized two teams of technical and programmatic specialists: one to assist with the Corps' environmental review and permitting processes, and another to manage the CWA § 404(c) process. We are serving as a cooperating agency under NEPA and have offered our technical assistance to the Corps as it analyzes alternatives and potential impacts. We're working hard to meet the Corps' cooperating agency deadlines. We also intend to review and comment in writing on the DEIS once that is available from the Corps.

<u>PVT</u>: During a recent visit to DC, he was told by Corps HQ that the 404 permit would be "the last permit" issued – would only be issued after PLP had secured its state and local authorizations. Is this consistent with what EPA has heard from the Corps?

<u>DA</u>: I have only been in touch with the Corps' Alaska District staff about this project – not Corps or Army HQ. I have not discussed this particular issue. I am aware, though, that PLP has not yet applied for its state permits.

<u>DC</u>: Have the cooperating agencies requested more time to review the preliminary DEIS?

<u>DA</u>: I have not personally participated in the recent cooperating agency meetings, but I understand that there has been considerable discussion about the proposed schedule. The current deadline of December 21 does represent some flexibility by the Corps.

<u>PVT</u>: Has Region 10 been given any policy direction from EPA HQ regarding the timing of the 2014 PD?

 \underline{DA} : We are aware of Administrator Pruitt's direction (in a June 2018 memo) to EPA-OW to develop a proposed rule to revise how EPA exercises its authority under CWA § 404(c). We are not aware of any policy direction outside of the June 2018 memo.

<u>JC</u>: BBNC is profit-making entity; not against mining or resource development generally. BBNC's opposition to Pebble is not just about the environment, it's about the people and the resource.

Meeting adjourned after one hour.

Next Steps/Follow-up Discussed: None

EPA Deputy AA Meeting with PLP

Topic: Bristol Bay

Meeting Date: Nov 14, 2018

Location: EPA HQ (Washington, DC)

List of Third Party Attendees (including affiliation):

- Abe Williams, The Pebble Partnership (PLP)
- Chasity Anelon, PLP
- Rhiannon Nanabook, PLP
- Ventura Sumanigo, Kijik
- Brad Angasan, ADC
- Krista Williams, BBNC Shareholder
- Shannon Johnson-Nanabook, Iliamna

Did EPA decide which third parties would attend?: No.

List of EPA Attendees:

- Lee Forsgren
- Brian Frazer
- Russ Kaiser

Agenda: Status of Bristol Bay PD

Did EPA/Third Party Set the Agenda?: Third Party, Abe Williams

Did EPA/Third Party Run the Meeting: Meeting ran as a conversation

Notes from Discussion (including individual advice/feedback provided to Agency):

EPA Notes (Forsegren):

- We will stay on current path, noting there are no immediate actions for EPA to take with respect to the (c) action.
- We will remain engaged in the NEPA process as it relates to our mission.
- We will continue to be transparent and listen to views from interested parties.
- We will use the NEPA document findings and latest science to inform our ultimate decision on the (c) action - we will use facts to support our decision.
- We don't know what the final decision will be at this time and reminded them that there is no pre-judged outcome for the action.
- Lee will be the lead for OW, and it is not clear at this time if the Acting Administrator or Henry Darwin will be the decision-maker.

Third Party Summary Notes:

- Requested EPA to please remove the pending (c) action as it is creating investor uncertainties, which is creating a lower growth rate in needed jobs in the area and likely eliminating future jobs as a consequence of not taking an action. Also, potentially causing other community issues.
- Looming veto inhibits Corps from completing NEPA process. Lee F clarified that (c) action only
 prevents Corps from making final permit decision. They can complete NEPA ROD.
- Salmon initiative failed ... need to consider that in your findings.
- BBNC doesn't represent all positions for the AK Natives.

Next Steps/Follow-up Discussed: Request for Lee to convey meeting summary highlights with decision-makers. Lee indicated he would do so when he had the opportunity to do so.

EPA Deputy AA Meeting with BBNC

Topic: Bristol Bay

Meeting Date: Sep 11, 2018

Location: EPA HQ (Washington, DC)

List of Third Party Attendees (including affiliation):

- Joseph Chythlook, Chairman of BBNC Board
- Harold Robin Samuelsen Jr., BBNC Director
- Russell Nelson, BBNC Director
- Shawn Aspelund, BBNC Director
- Peter Andrew Jr., BBNC Director
- Andria Agli, BBNC VP Corporate Relations
- Inez Bielefeld, BBNC Administrative Manager
- Daniel Cheyette, BBNC VP Lands and Resources
- Peter Van Tuyn, Bessenyey & Van Tuyn
- Phil Hardy, Strategies 360

Did EPA decide which third parties would attend?: No.

List of FPA Attendees:

Lee Forsgren

Agenda: Bristol Bay EIS Status and Next Steps Forward

Did EPA/Third Party Set the Agenda?: Third Party/BBNC

Did EPA/Third Party Run the Meeting: Meeting ran as a conversation

Notes from Discussion (including individual advice/feedback provided to Agency):

- Lee opened and indicated that we are staying on course and there are no actions for EPA at this time related to the (c) action. Will need to determine at a later date when to request public comment on the proposed action and what that will look like. Not there yet.
- Lee indicated that we were supporting the Corps in developing the DEIS, when requested by Corps.
- The group will plan to visit the Administrator's office in Spring, 2019, and invite appropriate
 folks to the area so that they can explain the project and identify potential environmental
 consequences on the ground.
- Lee also discussed broader AK initiatives, including the mitigation memo and the flexibilities that exist in the rule.

Next Steps/Follow-up Discussed: None.

TITLE

Topic: Meeting

Meeting Date: August 2, 2018

Location: EPA HQ (Washington, DC)

List of Third Party Attendees (including affiliation):

Pebble Limited Partnership

Did EPA decide which third parties would attend?: Yes/No/Explain

List of EPA Attendees:

Henry Darwin

Agenda:

Did EPA/Third Party Set the Agenda?:

Did EPA/Third Party Run the Meeting:

Notes from Discussion (including individual advice/feedback provided to Agency):

*This section is intended to compile individual input received from meeting attendees. It does not reflect group advice.

Next Steps/Follow-up Discussed: None

EPA Deputy AAOW Meeting with Pebble

Topic: Review process for Pebble's CWA Section 404 Permit Application

Meeting Date: June 5, 2018

Location: EPA HQ (Washington, DC)

List of Third Party Attendees (including affiliation):

- Peter Robertson, Pebble
- Brad Angasan, VP of Corporate Affairs for AK Peninsula Corporation
- Ventura Samaniego, President and CEO of Kijik Corporation
- Henry Olympic, President of Newhalen Tribal Council

Did EPA decide which third parties would attend?: No – meeting at request of Pebble

List of EPA Attendees:

- Lee Forsgren (Deputy AAOW)
- Russell Kaiser (Chief, Freshwater and Marine Regulatory Branch (FMRB))
- Palmer Hough (Environmental Scientist, FMRB)
- Heidi Nalven (OGC)

Agenda: None

Did EPA/Third Party Set the Agenda?: N/A

Did EPA/Third Party Run the Meeting: Pebble ran the meeting and described it as an opportunity for EPA to hear from Alaska Natives who are supportive of the proposed Pebble Mine.

Notes from Discussion (including individual advice/feedback provided to Agency):

- Robertson kicked off the meeting and gave the floor to the Alaska Native reps that he invited to participate. Each rep shared thoughts on Pebble mine
- Angasan discussed jobs and other potential economic benefits of a mine at the Pebble deposit and noted the permit review process would be challenging and that Pebble deserved opportunity to go through review process
- Ventura noted that not all AK Native groups oppose Pebble mine, Kijik Corporation is also exploring mining claims and has experienced challenges raising money for its potential mining projects

 Olympic – noted that before Pebble many in Newhalen were on welfare and drug use was high, after Pebble there are more work opportunities and more opportunities to support families in Newhalen

Next Steps/Follow-up Discussed: None

EPA Deputy AAOW Meeting with Bristol Bay Native Corporation

Topic: EPA's decision not to withdraw PD and Pebble's 404 Permit Application/Corps NEPA process

Meeting Date: April 18, 2018

Location: EPA HQ (Washington, DC)

List of Third Party Attendees (including affiliation):

- Joseph Chythlook, Bristol Bay Native Corporation, Chairman of the Board
- Dorothy Larson, Bristol Bay Native Corporation, Vice-Chair of the Board
- Russell Nelson, Bristol Bay Native Corporation, Board Member
- Peter Andrew, Bristol Bay Native Corporation, Board Member
- Jason Metrokin, Bristol Bay Native Corporation, CEO
- Daniel Cheyette, Bristol Bay Native Corporation VP Lands
- Mat Jackson, Grunden's General Manager
- Kristine Lynch, Pacific Seafood Processors Association VP
- Peter Van Tyne, Bristol Bay Native Corporation, Counsel

Did EPA decide which third parties would attend?: No - meeting at request of BBNC

List of EPA Attendees:

- Lee Forsgren (Deputy AAOW)
- Brian Frazer (Chief, Oceans, Wetlands and Communities Division)
- Russell Kaiser (Chief, Freshwater and Marine Regulatory Branch (FMRB))
- Palmer Hough (Environmental Scientist, FMRB)

Agenda: None

Did EPA/Third Party Set the Agenda?: N/A

Did EPA/Third Party Run the Meeting: Meeting was an opportunity for BBNC to thank EPA for its decision not to withdraw the 2014 PD and to express concerns it has with Corps' NEPA process for Pebble 404 permit application. At the beginning of the meeting, Lee let BBNC have the floor.

Notes from Discussion (including individual advice/feedback provided to Agency):

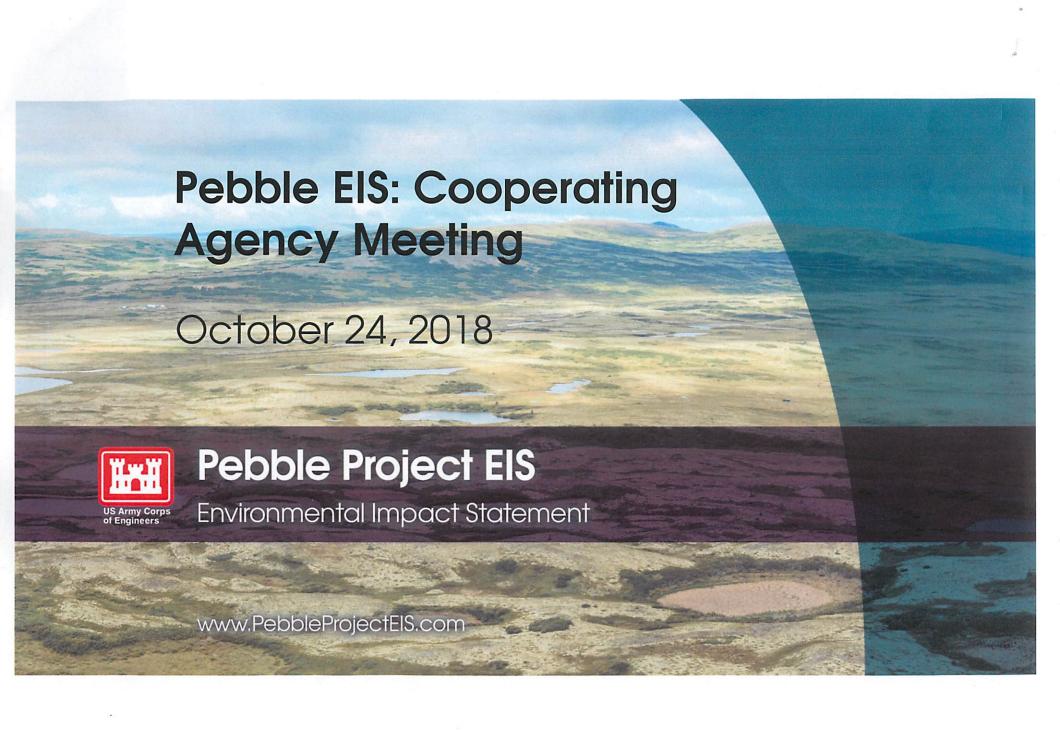
- Dan thanked Lee and EPA for coming to Bristol Bay in October 2017 for the public hearings, for listening to what BBNC and other stakeholders had to say about the 2014 PD, and for EPA's January 2018 decision not to withdraw the 2014 PD.
- Lee indicated that, at some time in the future, EPA would be taking more public comment on what effect Pebble's new permit application could have on the 2014 PD but that it would be premature to do so before more information and analysis regarding the potential impacts of Pebble's new mine become available.
- Dan, Jason and other BBNC reps expressed concerns they have with the Corps' NEPA process for Pebble's permit application including:
 - Corps' "rushed" process, they noted that the EIS process for Donlin Mine had 105-day scoping period, numerous scoping meetings with opportunity for public to speak openly, and adequate outreach and translation services for meetings. Compared to Pebble's initial 30-day scoping period, fewer scoping meetings with limited opportunity for public to speak openly, and inadequate outreach and translation services.

- They noted that it took huge push-back from congressional delegation, governor, etc to get Corps to extend scoping period for Pebble to 90 days.
- They expressed concerns that cooperating agencies have been given a limited role by Corps in EIS process.
- o They expressed concerns that the Corps' timelines for the Pebble EIS are unrealistic.
- They expressed concerns that Corps' scoping meetings were run more like a PR opportunity for Pebble, since Corps showed Pebble's promo video and then limited public's ability to comment openly at many of the meetings.
- They expressed concerns that Pebble's permit application lacked key elements necessary to facilitate adequate scoping including: a draft water management plan, draft compensatory mitigation plan, and preliminary assessment of the economic feasibility of the proposed mine project.
- They noted that public perception is the Corps is trying to "fast-track" review of Pebble and cut corners in its review.
- Dan/Jason noted that they had shared these concerns with Ryan Fisher, Deputy ASA-CW, when they met with him earlier in the day.

Next Steps/Follow-up Discussed: None

2017 EPA Headquarters Bristol Bay Meetings/Events for Docket EPA-R10-OW-2017-0369

Meeting/Event	/Event Date Location		Organizations/Groups Represented	Discussion Summary / Topics		
Tom Collier and Darrin Munoz	May 1, 2017	EPA Headquarters, Washington DC	Pebble Limited Partnership	Discussion included Pebble's concerns regarding the 2014 Proposed Determination. The Administrator responded that any potential deviation from proper process were and would continue to be reviewed and addressed appropriately.		
Peter Robertson and Tom Collier	July 10, 2017	Phone	Pebble Limited Partnership	PLP called to confirm that EPA was on track to initiate a proposal to withdraw the Proposed Determination and that the "initiation" would be publicly known. EPA confirmed both and stated that they would endeavor to update PLP regarding the action.		
Alan Mintz	September 13, 2017	EPA Headquarters, Washington DC	Partner of Van Ness Feldman, LLP, and registered lobbyist for client Pebble Limited Partnership	Lee Forsgren, Deputy Assistant Administrator for EPA's Offi Water, and Mintz have worked on common issues for many – this meeting was an opportunity for them to catch up with other. EPA's involvement in Bristol Bay was neither the pur of the meeting nor its focus. The two briefly discussed the proposed Pebble mine and the history of the EPA's review of watershed under section 404(c). Mintz suggested that he fer process used by the previous Administration was fundament flawed, and Forsgren indicated that the new Administration intends to review the matter.		
Peter Robertson	September 21, 2017	EPA Headquarters, Washington DC	Pebble Limited Partnership	Robertson described PLP's status for identifying a partner, adjusting the mine plan, and submitting a permit application. EPA confirmed that it was still in the process of the proposal to withdraw the Proposed Determination, and no decision had been made. EPA stated that they will proceed through the regulatory process in its normal sequence.		
Robin Samuelson (1), Norm Van Vactor (2), Matthew Paxton (3)	October 31, 2017	EPA Headquarters, Washington DC	Bristol Bay Economic Development Corporation (1, 2) and Adams and Reese LLP (3)	Discussion included the potential impacts of a proposed Pebble mine on fisheries resources in the Bristol Bay region. The Administrator reiterated that his intial actions on the withdrawal were about due process and that they do not signal how the Agency might come out on any permit action. BBEDC proposed that EPA suspend the existing process where it is now and give PLP an opportunity to submit their application.		



Agenda

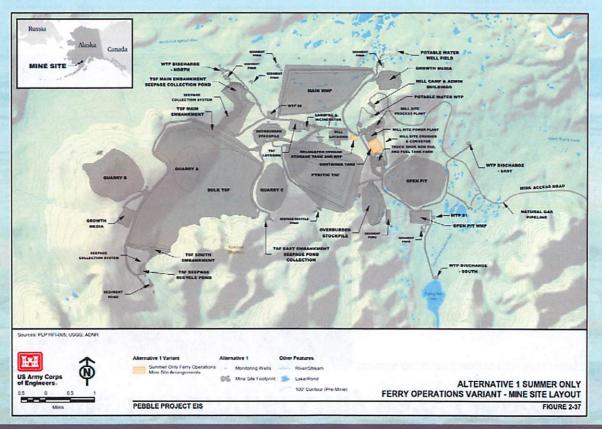
- Overview of Alternatives
- Format and Level of Detail for Chapter 2
- Update on Appendix B Alternatives Development Process
- Review of Select Alternatives
 - Filtered Tailings (Dry Stack)
 - Other Mine Locations
 - Underground Mining

Overview of Alternatives

- Alternatives to be Analyzed in Detail
- No Action Alternative
- Action Alternative 1 Applicant's Proposed Alternative (includes 3 variants)
- Action Alternative 2 North Road and Ferry/Downstream Dams (includes 2 variants)
- Action Alternative 3 North Road Only (includes 1 variant)



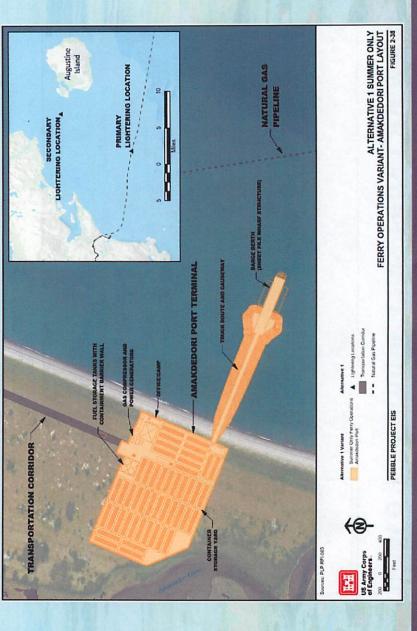
Action Alternative 1 – Summer Only Ferry Operations Variant



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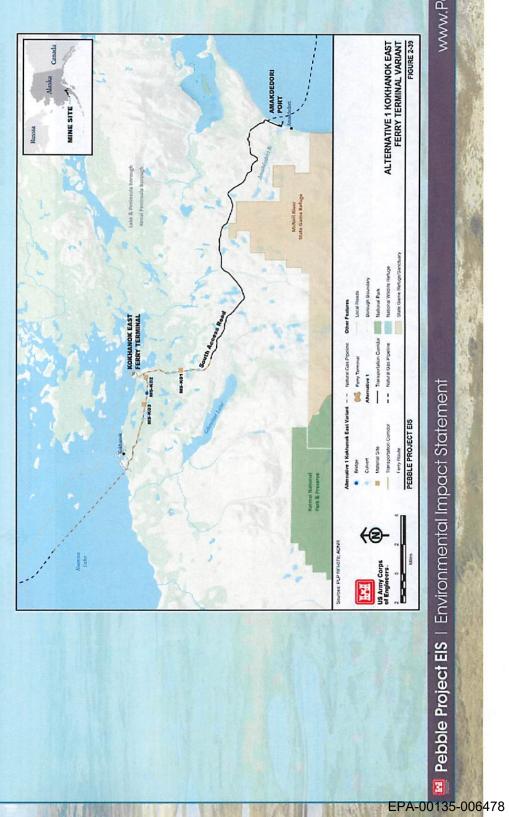
Action Alternative 1 - Summer Only Ferry Operations Variant



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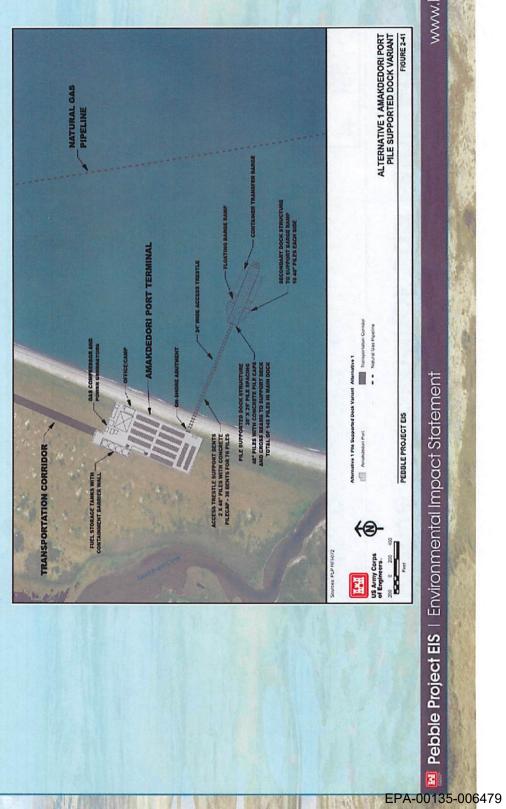
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Action Alternative 1 - Kokhanok East Ferry Terminal Variant



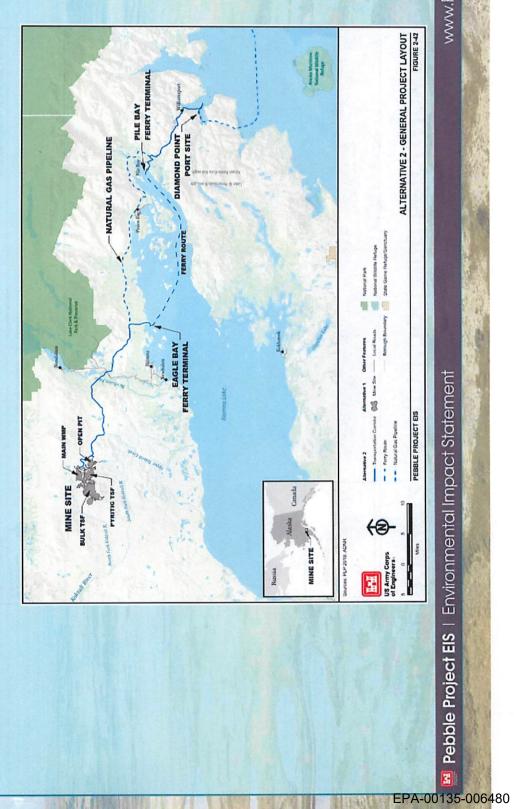
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Action Alternative 1 - Pile Supported Dock Variant



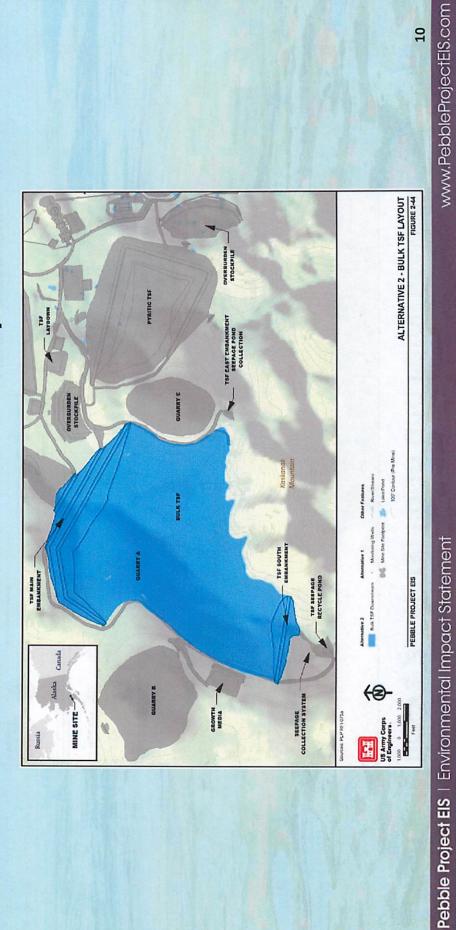
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Action Alternative 2 - North Road and Ferry/Downstream Dams



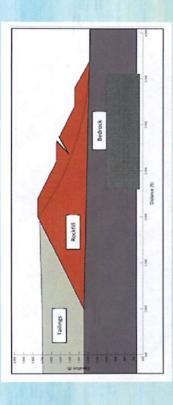
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Action Alternative 2 - North Road and Ferry/Downstream Dams

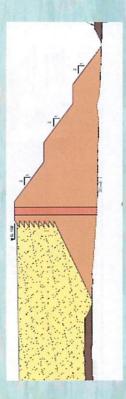


Action Alternative 2 - North Road and Ferry/Downstream Dams

Alternative 2 – Bulk TSF Downstream Dam



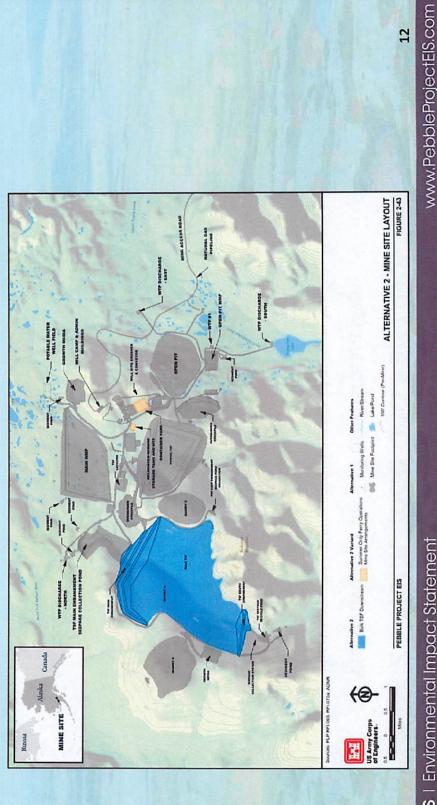
Alternative 1 – Bulk TSF Centerline Dam



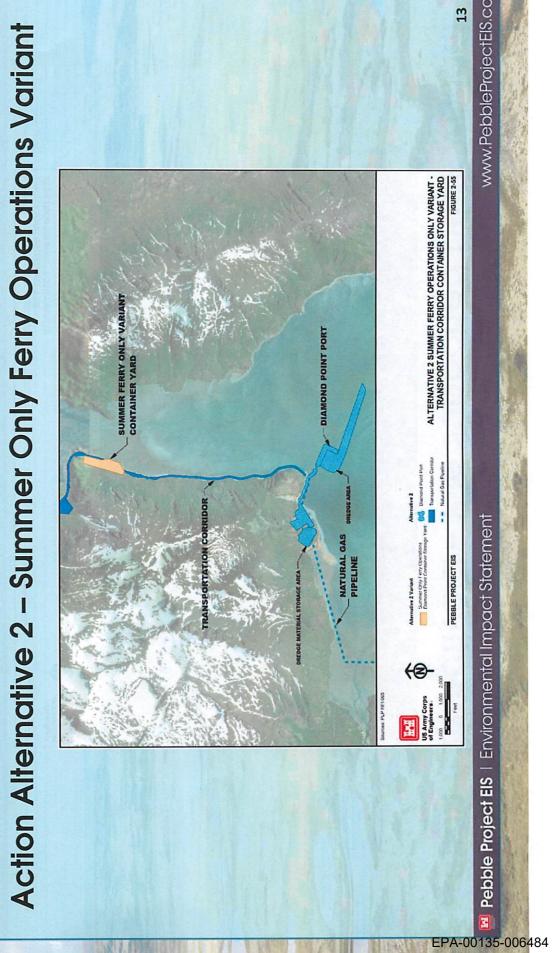
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Action Alternative 2 - Summer Only Ferry Operations Variant

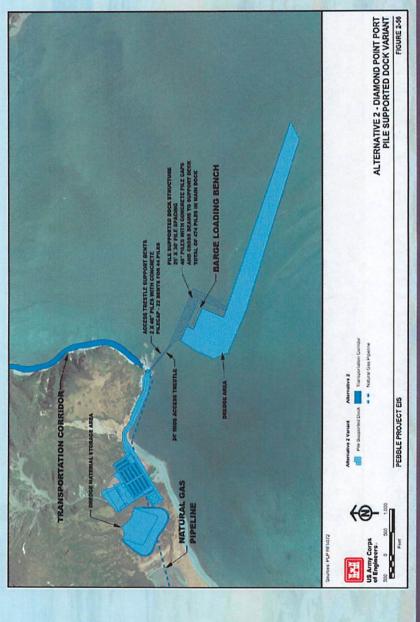


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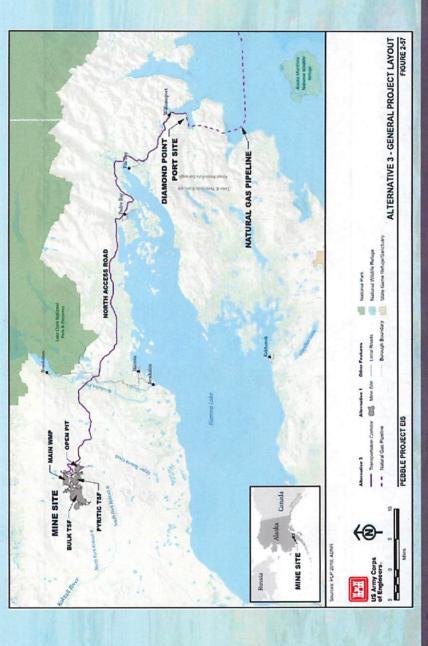
Action Alternative 2 - Pile Supported Dock Variant



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Action Alternative 3 - North Road Only



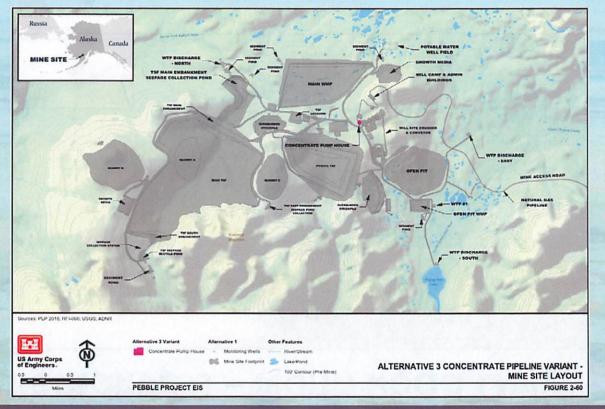
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Action Alternative 3 – Concentrate Pipeline Variant

Includes two options: discharge water at Diamond Point and return water

pipeline



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Action Alternative 3 - Concentrate Pipeline Variant



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Format and Level of Detail for Chapter 2

- Section 2.1 Alternatives Development Process, references Appendix B 1 Page
- Section 2.2 Alternatives Carried Forward for Detailed Analysis
- 30 to 35 pages of text
- 64 figures
- 23 Tables
- Appendix N PLP October 10, 2018 Project Description
- Section 2.3 Alternatives Eliminated from Further Consideration 6 pages

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Update on Appendix B – Alternatives Development

- August 17, 2018 Preliminary List of Options and Screening Criteria
- Condensed version intended to solicit feedback on list of options and screening criteria
- Comments received from one Cooperating Agency
- Comments were considered when preparing the next version of Appendix B

Update on Appendix B – Alternatives Development

- September 14, 2018 Alternatives Development Process
- Screening criteria modified
- Presented the screening analysis for each alternative
- Comments from USACE and three Cooperating Agencies
- Currently considering comments and revising the appendix (eliminated language referring to ability of mine operator to make profit)
- Several additional options (e.g., 115,000 tons per day throughput, Pebble East, many additional TSF locations)
- Several options were subject to additional consideration (e.g., underground mining, in pit processing and conveying, treating tailings to make inert)
- Next version of Appendix B will be Draft EIS

Review of Select Alternatives

- Filtered Tailings (Dry Stack)
 - Applies to Bulk TSF only
 - Conventional slurry typically 20 to 40 percent solids
 - PLP proposes thickened tailings approximately 55 percent solids
 - Dry stack alternative would filter to 80 to 85 percent solids
 - PLP responded to RFIs 054 and 076
 - AECOM mining experts reviewed RFIs September 24 Memorandum
 - Dry stack is not technically practicable

Review of Select Alternatives

- Other Mine Locations
 - Appendix B looked at Whistler, Pyramid, and five massive sulfide deposits
 - Pebble East has been added RFI 094
 - Whistler and the five sulfide deposits do not meet USACE overall purpose
 - Pebble East and Pyramid still under evaluation
- Underground Mining
 - RFI 094 received from PLP October 18, 2018
 - Currently being evaluated by AECOM mining engineers

Pebble Project Scoping Meetings Schedule

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4 G2G teleconference with Naknek 7:00pm	5	6	7
April	8	9 Naknek/King Salmon (confirmed) Naknek School 3:30pm EPA Participant: Molly	10 Kokhanok (confirmed) Tribal Hall 3:30pm EPA Participant: Neverley	Homer (confirmed) Homer High School 5:30pm	Iliamna/ New Halen (confirmed) New Halen School 3:30pm EPA Participant: Neverley	13 New Stuyahuk 3:30 pm EPA Participant: Neverley	14
	15	Nondalton (confirmed) Tribal Center 3:30pm EPA Participant: Patty	17 Dillingham (confirmed) High School 5:00pm	Igiugig (confirmed) Community Bldg 3:30pm EPA Participant: Patty	Anchorage (confirmed) Dena'ina Center 5:00pm	20	21
	22	23	Contingency and m	25 ake-up week	26	27	28



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 10

1200 Sixth Avenue, Suite 155 Seattle, WA 98101-3140

OFFICE OF ENVIRONMENTAL REVIEW AND ASSESSMENT

June 29, 2018

Mr. Shane McCoy, Project Manager U.S. Army Corps of Engineers Regulatory Division P.O. Box 6898 JBER, Alaska 99506-0898

Dear Mr. McCoy:

The U.S. Environmental Protection Agency has reviewed the U.S. Army Corps of Engineers' March 29, 2018, Notice of Intent initiating the scoping process for the proposed Pebble Project Environmental Impact Statement development (EPA Region 10 Project Number 18-0002-COE). We have also reviewed the additional project information available on the Corps website. The EPA is providing comments for your consideration pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 C.F.R. §§ 1500-1508) and Section 309 of the Clean Air Act. The EPA is also supporting the Corps in EIS development as a cooperating agency, due to our special expertise. We appreciate the opportunity to provide early input in the analysis of the Pebble Project.

The Pebble Limited Partnership (PLP) is proposing to develop the Pebble deposit in southwest Alaska, containing copper, gold, and molybdenum. The proposed project includes an open-pit mine, tailings storage facility, a low-grade ore stockpile, an overburden stockpile, a mill facility, a natural gas-fired power plant, and other mine site facilities. The anticipated throughput at the mill facility is 160,000 tons of ore per day, and the proposed mine operating life is 20 years. The proposed project also includes development of a 188-mile natural gas pipeline across Cook Inlet and Lake Iliamna and two compressor stations used to transport natural gas from the Kenai Peninsula to the mine site. The proposed transportation network includes 65 miles of roads, ferry terminals on the north and south shores of Lake Iliamna for use by an ice-breaking ferry, and the Amakdedori Port on Cook Inlet (including dredging and disposal of up to 20 million cubic yards of dredged material).

The scoping comments that follow are provided to inform the Corps of issues the EPA believes are significant and warrant explicit treatment in the EIS, based on current information. Overall, the EPA encourages the development of an EIS that evaluates and compares a full range of reasonable alternatives and comprehensively discusses the reasonably foreseeable direct, indirect, and cumulative impacts of the proposed action.

The EPA has significant concerns regarding the potential impacts of mining activities near the world-class fisheries of the Bristol Bay Watershed. Many of these concerns have been previously documented in the EPA's 2014 Bristol Bay Watershed Assessment, which evaluated the potential impacts of large-scale mining on the region's fish resources, and in the Agency's 2014 Proposed Determination under

¹ See https://www.epa.gov/bristolbay for more information.

Section 404 of the Clean Water Act. This Proposed Determination proposed restrictions on the discharge of dredged or fill material to waters of the U.S. to protect waters that support fishery areas in and near the Pebble deposit area. Because the Watershed Assessment and the Proposed Determination were completed before PLP submitted its permit application to the Corps, these assessments did not consider and were not based on the specific parameters of PLP's pending proposal. The EIS should thoroughly analyze the potential impacts of PLP's proposal to aquatic and other resources, including the anticipated direct impacts of the proposed action, and the reasonably foreseeable indirect and cumulative impacts. We note that the geographic extent of the proposed project infrastructure is not limited to the Bristol Bay watershed, and we recommend that the EIS analyze all areas of impact from the project, including Cook Inlet.

We appreciate the information provided in the Corps' scoping package, including the list of resources to be analyzed in the EIS, and we agree that the suite of issues presented are appropriate to analyze in detail in the EIS. Our enclosed scoping comments provide our recommendations for analysis of key areas that will be the focus of our review of the project, including natural resource impacts, as well as human health and impacts to communities and federally recognized tribes. Our scoping comments also include recommendations related to: risk analysis and hazardous materials management, including geotechnical stability; analytical tools and methodologies, including predictive modeling of impacts to water, air, fish, and other aquatic resources; mitigation and monitoring; and financial assurance. Identification of these key issues and recommendations is based on the EPA's knowledge of the proposed project as well as our experience with mining projects in Alaska and other Region 10 states.

We appreciate the opportunity to participate early in the planning process for this project and are looking forward to working with you as you develop the EIS. Should you have any questions regarding our comments, please contact Patty McGrath, EPA Region 10 Mining Advisor at (206) 553-6113 or mcgrath.patricia@epa.gov.

Sincerely,

R. David Allnutt

Director

Enclosure:

1. U.S. Environmental Protection Agency Detailed Scoping Comments for the Pebble Project EIS

EPA Region 10 Detailed Scoping Comments for the Pebble Project Environmental Impact Statement

GENERAL COMPONENTS OF NEPA ANALYSIS

Purpose and Need

We recommend that the EIS include a clear and concise statement of the underlying purpose and need for the proposed project, consistent with the implementing regulations for NEPA² and the Clean Water Act Section 404(b)(1) Guidelines (Guidelines).³ In presenting the purpose and need, the EIS should reflect not only the Corps' purpose in responding to the permit application, but also the broader public interest and need for this project. An appropriately defined purpose and need statement is of critical importance to setting up the analysis of a range of reasonable and practicable alternatives in the EIS that will meet the requirements of both NEPA and the Guidelines.

Range of Alternatives

We recommend that the EIS include a range of reasonable alternatives that meet the stated purpose and need for the project, are responsive to the issues identified during the scoping process and through tribal consultation, and include options for avoiding significant environmental impacts. This will ensure that the NEPA analysis provides agency decision makers and the public with information that defines the issues and identifies a clear basis for the choices made among the range of alternatives, as required by NEPA. The EIS should clearly outline the physical design of current and proposed facilities and alternatives (including ore storage sites, waste rock disposal areas, tailings areas, water storage and conveyance facilities, and supporting infrastructure including the transportation corridor, port site, and pipeline).

The EIS should "rigorously explore and objectively evaluate all reasonable alternatives" even if some of them are outside the capability or the jurisdiction of the agency preparing the EIS for the proposed action. This includes identifying the specific criteria that were used to (1) develop the range of reasonable alternatives, (2) eliminate certain alternatives, and (3) identify the agency preferred alternative, as appropriate. In addition, we recommend the EIS provide a clear discussion of the reasons for the elimination of alternatives that are not evaluated in detail.

While NEPA requires the evaluation of *reasonable* alternatives to the proposed action, the Guidelines require the analysis of *practicable*⁶ alternatives in order to identify the least environmentally damaging

² 40 C.F.R. § 1502.13.

³ Within the context of the Guidelines, practicable alternatives to the proposed discharge of fill or dredged material are identified "in light of overall project purposes," which is also termed "the basic purpose of the proposed activity." 40 C.F.R. § 230.10(a)(2).

⁴ 40 C.F.R. § 1502.14(a).

⁵ 40 C.F.R. § 1502.14(c).

⁶ An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. 40 C.F.R. § 230.10(a)(2).

practicable alternative (LEDPA), which is the only alternative that can be permitted.⁷ The analysis of alternatives for NEPA can provide the information for evaluation of alternatives under the Guidelines.⁸ We recommend that the EIS range of alternatives include the practicable alternatives developed for the Guidelines analysis.

In evaluating the proposed project and alternatives, the analysis should include an evaluation of performance and effectiveness, as well as the planned monitoring to ensure efficacy of proposed design features, environmental protection measures, and mitigation.⁹

Regarding mitigation for purposes of NEPA, we recommend that the alternatives analysis include appropriate mitigation measures not already included in the proposed action or alternatives. ¹⁰ The EIS should evaluate reasonable alternatives, including mitigation measures, to reduce or minimize adverse impacts to environmental resources. We recommend that, in conducting such an evaluation, the Corps consider:

- The disturbance footprint;
- Habitat value, cultural significance, and risks in siting project components for the proposed mine site components, as well as the port site, transportation corridor, and pipeline components;
- Source control measures (effective management of waste rock and tailings to prevent acid generation and metal leaching) and containment (liners and covers);
- Measures to reduce contact between mine waste materials and surface water and groundwater (such as surface water diversions and liners and covers as recommended above);
- Impacts of pit dewatering on groundwater and stream flows;
- Treatment to promote compliance with water quality standards;
- The physical stability of structures (e.g., pit walls, ore storage and waste rock facilities, tailings facility) during operations and closure, such as considering dry stack tailings;
- Impacts along the pipeline route and transportation corridor, including to Lake Iliamna;
- Impacts from dredged material disposal;
- Impacts to the marine environment at the Amakdedori Port site;
- Air pollutant emissions; and
- Impacts to traditional and cultural uses and resources, including key subsistence species and sites.

Indirect Impacts

We recommend that the EIS include consideration of all reasonably foreseeable indirect effects caused by the action but that may occur later in time or farther removed in distance. The indirect effects analysis "may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural

⁷ 40 C.F.R. § 230.10(a)

^{8 40} C.F.R. § 230.10(a)(4).

⁹ The term mitigation included in this "Range of Alternatives" section is referring to the general term as it applies to NEPA. Compensatory mitigation for purposes under CWA section 404 cannot be used to reduce environmental impacts in the evaluation of the least environmentally damaging practicable alternatives for the purposes of requirements under Section 40 C.F.R. § 230.10(a). See 1990 Memorandum of Agreement between Army and EPA concerning the determination of mitigation under CWA section 404(b)(1) Guidelines.

^{10 40} C.F.R. § 1502.14(f).

^{11 40} C.F.R. § 1508.8(b).

systems, including ecosystems."¹² While NEPA does not require agencies to engage in speculation, "[t]he EIS must identify all of the indirect effects that are known, and make a good faith effort to explain the effects that are not known but are reasonably foreseeable."¹³

We therefore recommend that the EIS evaluate the expansion and continued operation of the currently proposed project to the extent that the Corps considers it to be a reasonably foreseeable indirect effect of the proposed action. The current proposed Pebble Project description includes mining of approximately 1.1 billion tons of mineralized material, while the 2011 Preliminary Assessment Technical Report estimated that the total Pebble mineral resource may be 11.9 billion tons. It may be reasonable to predict that a mine at the Pebble deposit will eventually operate for longer than 20 years and recover and process additional ore based on the size of the deposit, the significant infrastructure that will be developed under the current project description, and statements made by the Pebble Limited Partnership regarding the potential to examine expanding the mine once initial production has begun on the current proposal. Accordingly, we recommend that the EIS consider the potential impacts associated with reasonably foreseeable mine expansion scenarios, including up to 11.9 billion tons.

In addition, we recommend that the EIS consider the extent to which it is reasonably foreseeable that the proposed transportation corridor and natural gas pipeline may be made accessible to the public and may stimulate additional reasonably foreseeable mining projects in the area, and potential environmental effects associated with that induced mining. Although PLP's current proposal only includes private access to the infrastructure components, public access may be granted in the future. This potential may be different for the different infrastructure elements. For example, if the pipeline is regulated as a common carrier, then public access could be allowed if capacity permits. We recommend that the EIS discuss any reasonably foreseeable future public access to the project's infrastructure components and analyze any reasonably foreseeable indirect effects of this action.

Construction and operation of the project would result in increased vessel traffic in Cook Inlet and on Lake Iliamna because vessels will bring supplies to the site and transport products off-site. In addition to evaluating the direct effects of the increased transportation, we recommend that, if it is reasonably foreseeable that the ports and ferry landings will become available for public use, then any reasonably foreseeable future use of these components should be assessed in the EIS as indirect or cumulative effects. Should the port and ferry terminals remain open following mining, this infrastructure may result in increased use and vessel traffic beyond what PLP is currently proposing.

Indirect project impacts under NEPA can include secondary effects, which are defined by the Guidelines as "effects on the aquatic ecosystem that are associated with the discharge of dredged or fill materials, but do not result from the actual placement of the dredged or fill material." The consideration of secondary effects is necessary for the Guidelines analysis, and examples of potential secondary effects are discussed in the section on aquatic resources below.

¹² Id

¹³ Forty Most Asked Ouestions Concerning CEO's NEPA Regulations, Question 18 (CEQ, 1981).

¹⁴ Preliminary Assessment of the Pebble Project, Southwest Alaska, February 2011. Developed by Wardrop, A Tetra Tech Company, for Northern Dynasty Minerals, Ltd.

¹⁵ e.g., see http://www.alaskajournal.com/2018-01-10/permit-application-reveals-size-scaled-down-pebble-project. "Collier has acknowledged the company might look to expand after initial production commences but contends growing the project would require additional rounds of environmental reviews and permitting that would be independent from any approvals Pebble already had."

¹⁶ 40 C.F.R. § 230.11(h).

Cumulative Impacts

In accordance with NEPA, the cumulative impacts analysis should identify how resources, ecosystems, and communities in the vicinity of the project have already been, or will be affected by, past, present, or reasonably foreseeable future activities in the project area, "regardless of what agency (federal or non-federal) or person undertakes such other actions." ¹⁷

The Guidelines also fundamentally require consideration of reasonably foreseeable cumulative effects in determining whether a project complies with the significant degradation prohibition and to ensure that discharges will not have an unacceptable adverse impact either individually or in combination with known and/or probable impacts of other activities affecting the ecosystems of concern. ¹⁸ Cumulative effects are "the changes in an aquatic ecosystem that are attributable to the collective effect of a number of individual discharges of dredged or fill material," which individually may be minor, but cumulatively may result in a "major impairment of the water resources and interfere with the productivity and water quality of existing aquatic ecosystems." ¹⁹

For the cumulative impacts assessment, we recommend that the EIS delineate appropriate geographic boundaries, including natural ecological boundaries whenever possible, as well as consider an appropriate time period for the project's effects. We recommend that resources be characterized in terms of their response to change and capacity to withstand stresses. Trends data should be used to establish a baseline for the affected resources, to evaluate the significance of any historical degradation (e.g., due to exploration activities), and to predict the environmental effects of the project components.

Past, present, and reasonably foreseeable future activities that should be considered in the cumulative impact assessment will vary across the geographic scope of the various mine-site and infrastructure components. Please refer to CEQ's "Considering Cumulative Effects Under the National Environmental Policy Act" and the EPA's "Consideration of Cumulative Impacts in EPA Review of NEPA Documents" for assistance with identifying appropriate boundaries and identifying appropriate past, present, and reasonably foreseeable future projects to include in the analysis.

In particular, we recommend that the cumulative effects analysis consider, but not be limited to, the following activities:

- Past and current exploration activities conducted by PLP and others at the Pebble site;
- Current exploration activities occurring in the Bristol Bay watershed region;
- Reasonably foreseeable expansion and continued operation of the currently proposed project (while this is an indirect effect under NEPA, as discussed above, it is a cumulative effect under the Guidelines);
- Reasonably foreseeable future use of project infrastructure (road, port, pipeline); and,
- Reasonably foreseeable development of additional mining projects as a result of increased exploration activity in the region. Even if those activities are not determined to be indirect effects of the proposed action (as discussed above), they are still reasonably foreseeable.

¹⁷ 40 C.F.R. § 1508.7.

^{18 40} C.F.R. § 230.10(c).

^{19 40} C.F.R. § 230.11(g).

²⁰ http://ceq.hss.doe.gov/nepa/ccenepa/ccenepa.htm.

²¹ http://www.epa.gov/compliance/resources/policies/nepa/cumulative.pdf.

ENVIRONMENTAL RESOURCE IMPACTS

Aquatic Resources, Including Wetlands, Streams, and Fish

Evaluating Compliance with the Clean Water Act Section 404(b)(1) Guidelines

The Corps' potential CWA Section 404 permitting action is triggering preparation of the EIS. We recommend that the Corps' permitting regulations and the Guidelines therefore provide the context for identifying relevant issues and evaluating alternatives in the EIS.

The Guidelines are the substantive environmental criteria for the evaluation of proposed discharges of dredged or fill material, and applicants must demonstrate compliance with the Guidelines.²² The EIS is a significant component of the administrative record for the District's permit decision, which can and should provide sufficient information to address compliance with the Guidelines and the Corps' public interest review.²³ Although it is not mandatory, we support the Corps' decision to include of the public interest review factors into the list of issues to be considered in the EIS. This will enable the expected benefits to be balanced against reasonably foreseeable detriments, and all relevant public interest factors to be weighed.

We recommend that the organization of the EIS facilitate the evaluation of the proposed project's compliance with the Guidelines. Issues relevant to compliance with the Guidelines should be addressed explicitly in the EIS where possible. Alternatively, a stand-alone Section 404(b)(1) analysis could be included as its own section of, or appendix to, the EIS. As mentioned above, we recommend that the range of alternatives evaluated in the EIS be sufficient to identify the LEDPA. In addition, we recommend that the final EIS identify which alternative is the LEDPA.

The Guidelines prohibit, for example, the authorization of a proposed discharge that would cause or contribute to the violation of an applicable water quality or toxic effluent standard, jeopardize a listed threatened or endangered species, or impact a marine sanctuary.²⁴ We recommend that these criteria be used to evaluate and compare alternatives.

The Guidelines also prohibit the authorization of a proposed discharge which will cause or contribute to significant degradation of the aquatic ecosystem.²⁵ Findings of significant degradation must be based upon specific factual determinations, evaluations, and tests identified in the Guidelines. These include the evaluation of the direct, secondary, and cumulative effects of the proposed discharge and alternatives on specific resources including fish, wildlife, and special aquatic sites. The significant degradation findings must also evaluate the effects to resource characteristics including aquatic ecosystem diversity, productivity, and stability. Evaluating the potential for significant degradation also requires the consideration of effects to human uses or values, including recreational, aesthetic, and economic values. With regard to fisheries, the Guidelines require, for example, an evaluation of effects to all forms and life stages of aquatic organisms in the food web, including fish and the plants and animals on which they feed and depend upon for their needs.²⁶ The Guidelines also require an evaluation of effects to

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²² 40 C.F.R. § 230.12(a)(3)(iv).

²³ See 33 C.F.R. § 320.4.

²⁴ 40 C.F.R. § 230.10(b). ²⁵ 40 C.F.R. § 230.10(c).

²⁶ 40 C.F.R. § 230.31.

recreational and commercial fisheries, which includes harvestable fish, crustaceans, shellfish, and other aquatic organisms used by man.²⁷ The Corps has proposed including a number of these evaluations in the EIS. We recommend that as many of the specific factual determinations, evaluations, and tests required by the Guidelines as possible be included in the EIS, and be used to evaluate and compare alternatives.

The Guidelines also prohibit any proposed discharge that does not include all appropriate and practicable measures to minimize potential harm to the aquatic ecosystem. Subpart H of the Guidelines identifies numerous possible steps to minimize impacts, including reducing the footprint of the project, using co-location of facilities whenever possible, implementation of best management practices to reduce environmental impacts, configuring the project footprint to reduce or eliminate impacts to higher functioning aquatic resources and other appropriate and practicable measures. Also, as previously discussed, we recommend that the EIS include appropriate minimization measures both as part of the action alternatives and relative to the affected environment. The discussion of minimization measures should include assessment of their likely effectiveness.

Compensatory Mitigation

For unavoidable impacts to wetlands, streams, and other aquatic resources, the Guidelines require appropriate and practicable compensatory mitigation to offset unavoidable environmental impacts associated with discharges permitted under CWA Section 404. We recommend that the EIS consider potential mechanisms to offset likely unavoidable aquatic resource impacts. We also recommend that the EIS include the applicant's proposed compensatory mitigation plan. Compensatory mitigation requirements, including the components of a compensatory mitigation plan, are described in Subpart J of the Guidelines. Pursuant to the Guidelines, the level of detail in the compensatory mitigation plan should be commensurate with the scale and scope of the impacts.

Compensatory mitigation may be provided through purchase of credits from an approved mitigation bank, purchase of credits from an approved in-lieu fee mitigation program, and/or completion of a permittee-responsible compensatory mitigation project(s). Final compensatory mitigation requirements must be commensurate with the amount and type of impact that is associated with a particular Section 404 permit.²⁹ Compensatory mitigation required by the Guidelines is separate from, and may be in addition to, proposed project impact mitigation under NEPA.

Characterizing the Affected Environment

We recommend that the EIS describe aquatic habitats in the affected environment by resource type using the data sources and classification approaches that provide the greatest resolution possible. For example, if wetlands are mapped using a Cowardin classification, that mapping should be to the smallest identifiable map unit. Likewise, streams should be classified and mapped accordingly. The baseline information for aquatic resources should include their functional condition and integrity. We also recommend that the EIS evaluate the characteristics of the potentially affected aquatic resources, how those characteristics provide fish habitat, and how such habitat could be adversely impacted by the proposed project. Wetlands and streams perform different functions at different rates, and capturing this information is critical for evaluating the potential environmental impacts of the proposed action, alternatives, and reasonably foreseeable actions (exploration and mining) on these resources.

²⁷ 40 C.F.R. § 230.51.

^{28 40} C.F.R. § 230.10(d).

²⁹ 40 C.F.R. § 230.93(a)(1).

Characterizing the distribution of resident and anadromous fish in potentially affected streams and other aquatic resources is also important, and we recommend the use of data sources such as the Anadromous Waters Catalog³⁰ and the Alaska Freshwater Fish Inventory³¹ to help with this characterization.

Aquatic Resource Impacts Analysis

We recommend that the areal extent (i.e., acreage) of impacts to aquatic resources be quantified in the EIS for both direct and secondary effects. The acreage values for the direct and secondary impact footprints should include the acreage for streams as well as for wetlands, ponds, lakes, mudflats, and other waters. In other words, reported acreage losses should represent the total loss of jurisdictional waters. For streams, the loss of channel length should also be quantified by linear feet and/or miles. Channel length values are a more intuitive metric for some, and facilitate different types of analyses than the acreage values. In addition to the areal or linear extent, impacts to aquatic resources should also be quantified by the expected change in the function these resources perform, including fishery support functions, or change in the condition of the resource.

Direct effects are impacts on aquatic resources within the footprint of the discharge of dredged or fill material. Direct effects at the mine site would include stream and other aquatic resource losses within the footprints of the tailings storage facility, the ore and overburden storage sites, the mine pit, and other mine site facilities described in the permit application. Construction of the transportation and pipeline corridors and port facility will likely involve such discharges as well.

Secondary effects, as defined by the Guidelines, are associated with the discharge of dredged or fill material, but do not result from actual placement of this material. These effects are also considered indirect impacts under NEPA. Examples of secondary effects that should be evaluated in the EIS include the following:

- Elimination of streams and wetlands due to drowning by the tailings impoundment and other mine components;
- Dewatering of streams and other aquatic resources due to pumping of groundwater during open pit mining and filling during closure;
- Fragmentation of aquatic resources due to the placement of the mine pit, ore storage sites, tailings storage facility, and other mine components;
- Degradation of downstream fish habitat due to streamflow alterations resulting from water capture, withdrawal, storage, treatment, or release at the mine site;
- Degradation of downstream fish habitat due to water quality impacts associated with mine construction and operation;
- Degradation of downstream fish habitat due to the loss of important inputs such as nutrients and groundwater from upstream sources;
- Degradation of aquatic resources due to dust deposition from mining and transportation activities.

The evaluation of the proposed project's impacts and alternatives should fully consider the physical, chemical, and biological effects of each of the direct and secondary effects, and should consider incremental changes from these impacts along each stream segment downstream of the impact site.

31 See http://www.adfg.alaska.gov/index.cfm?adfg=ffinventory.main.

³⁰ See https://www.adfg.alaska.gov/sf/SARR/AWC/.

Considering the value of the region's commercial, subsistence, and recreational fishery resources, we recommend that the EIS focus on quantifying direct, indirect, and cumulative impacts on resident and anadromous fish and their habitat resulting from losses of streams with documented fish occurrences; losses of headwater source areas of these streams; losses of wetlands, lakes, and ponds; and streamflow alterations. We appreciate that the Corps has made the EPA's 2014 Bristol Bay Watershed Assessment available on the Pebble Project website, and we also recommend that this document be referenced in preparing the EIS.³²

The losses of stream reaches and adjacent wetlands from dewatering, as well as changes to downstream reaches and adjacent wetlands, may result in physical, chemical, and biological changes which would impact fishery habitat and habitat support. We recommend that the EIS model and consider these impacts compared to baseline conditions, including but not limited to:

- Evaluate changes in water volume in the stream areas of impact, as well as changes in the
 downstream reaches of the watershed resulting from losses of upstream contributions of water.
 We recommend that the analysis address seasonal changes to the different stream segment
 hydrographs, including changes to seasonal temperatures, dissolved oxygen levels, sediment
 transport capabilities, and any associated changes to sediment grain sizes in the different stream
 segments;
- Evaluate flow changes in the impacted stream reaches, both from pit dewatering as well as any proposed in-stream discharge points, to assess any potential changes to stream profile, form, and pattern, and to identify any areas of accretion and/or scouring which may reasonably be anticipated. We also recommend that areas of stream incision as a result of flow changes be identified, as well as losses of connectivity to floodplains and riparian wetlands currently connected to the downstream reaches;
- Identify potential changes to nutrient levels, turbidity, and dissolved oxygen, particularly with respect to seasonal patterns in the downstream reaches. We further recommend that both the direct losses of both autochthonous and allochthonous inputs from upstream reaches lost and/or disconnected from wetland and other riparian habitats, as well as the incremental reductions in those inputs in downstream segments throughout the stream reaches and their effects on system-wide primary, secondary, and tertiary production, be evaluated. These analyses should consider the direct changes to downstream habitats as well as changes to fisheries support in the different stream reaches;
- Evaluate decreases in anticipated invertebrate transport and production in downstream segments and those effects on fish production; and
- Evaluate the effects of disconnecting any off-channel habitat both near the areas of direct impact and throughout the downstream reaches, both for losses of allochthonous inputs and also for potential losses of nursery habitat.

We recommend that the direct, indirect, and cumulative impacts of any of these potential physical, chemical, and biological alterations be examined for how they may result in the loss and/or degradation of fish habitat, including alterations with respect to spawning, overwintering, nursery, and migration. Habitat losses that may result from freeze-through or seasonal warming of fish production areas should also be evaluated.

³² See https://www.epa.gov/bristolbay/bristol-bay-assessment-final-report-2014.

Water Quality and Quantity

Evaluating Impacts to Surface Water and Groundwater Quality and Quantity

Water quality is one of the EPA's principal concerns at mine facilities due to the potential for acid-generating and metal-leaching waste materials (ore, waste rock, tailings, pit walls) that are exposed to the environment and require management over long periods of time. In addition, road construction and operation have the potential to contribute a significant quantity of sediment to streams. We recommend that the EIS characterize baseline surface water and groundwater quality, quantity, and interactions, and evaluate the impacts of all aspects of the proposed operations and alternatives (including pit dewatering and backfilling, tailings management and disposal, water management, and port-site and transportation aspects) on these hydrologic components and describe mitigation for adverse impacts.

Given the potential impacts of the proposed Pebble Project, the EPA recommends that the Corps specifically include in the water resources analysis for the EIS (see also our recommendations for Analysis Tools and Methodologies):

- Characterization of existing groundwater, surface water, springs, and wetland resources within the area of both the project and all potential alternatives, including groundwater levels, flow direction and gradients, and chemistry;
- Development of a hydrogeologic conceptual site model, including:
 - o Maps of groundwater, surface water, springs, and wetland resources in the area to be developed or affected;
 - o Baseline data on the extent and quality of groundwater, surface water, springs and wetlands:
 - o Information on the quantity and location of all aquifers, including Underground Sources of Drinking Water, recharge zones and source water protection areas;
 - o Identification of any CWA § 303(d) listed waterbodies and any existing restoration efforts for these waters;
 - o Identification and description of all wetlands and surface waters that could be affected by the project and alternatives; where applicable, acreages, channel lengths, habitat types, values and functions of these waters should be identified;
 - Identification and description of hydrologic pathways (e.g., the connectivity of springs or groundwater to surface waters; the connectivity of all streams to each other and to wetlands); and
 - o A detailed water balance for the proposed action and each alternative.
- Assessment of which waters may be impacted, the sources and nature of potential impacts (both quality and quantity), specific pollutants likely to impact those waters and a comparison to applicable environmental standards (e.g., surface water and drinking water quality standards);
- Consideration of downstream impacts and potential for changes in metal speciation and bioavailability (in particular, the impacts of copper, which can have adverse effects on salmon at very low concentrations);
- Evaluation of surface water and groundwater use, including maps and source identification of agricultural, domestic, and public water supply wells or intakes; and
- Consideration of effects of seasonality on water quantity and quality impact assessment, including predictions for all phases of the project (construction, operations, and closure).

Anti-degradation

The anti-degradation provisions of the CWA apply to those waterbodies where water quality standards are currently being met. In certain high-quality waters, the anti-degradation provisions prohibit

degrading water quality unless it is determined that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located.³³ We recommend that the EIS discuss whether and how the CWA anti-degradation requirements could be met.

Water Management and Treatment

We recommend that the EIS describe the plans for water management, treatment, and discharge during all phases of the project (construction, operations, and closure), including plans for long-term water treatment. The EIS should evaluate and disclose the adequacy, reliability, effectiveness, and operational uncertainty associated with proposed operation and closure (long-term) water management and treatment techniques, taking into account seasonality and potential changes associated with future climate scenarios. We also recommend that the analysis characterize chemical compositions and quantities of process waters, mine drainage, storm water, and treated and untreated effluent. This information should be supported by the results of treatability testing. Assumptions used in the analysis should be disclosed and be reasonably conservative. If long-term water treatment is needed, we recommend that the EIS include modeling of predicted stream concentrations of contaminants of concern, both with and without treatment, to evaluate the potential impacts to water quality if the treatment system is not working properly.

The EIS should also identify the Alaska Pollutant Discharge Elimination System (APDES) discharge locations, identify applicable water quality standards, and analyze the likelihood and ability of all discharges to meet applicable standards and the direct, indirect, and cumulative impacts of such discharges to the receiving waters. We recommend that any applicable water quality variance requests, site-specific criteria proposals, and/or any other planned or potential requests for water quality standard revisions also be disclosed in the EIS.

Sediment Management and Stormwater Runoff

Since the project has the potential to cause or contribute to erosion of soils and subsequent sediment loading to nearby surface waters, we recommend that the EIS evaluate construction design and operation practices that will be used to minimize erosion and control stormwater runoff from the mine site, port sites, transportation corridor, and pipeline route. We recommend that the EIS discuss specific mitigation measures that may be necessary or beneficial in preventing and minimizing adverse impacts to water quality and disclose the effectiveness of such measures. We suggest that the Corps consider the Best Management Practices identified by the EPA for mining facilities³⁴ and specify those that would be suitable and likely implemented at the Pebble Project. We also recommend that the EIS document the project's consistency with applicable APDES stormwater permitting requirements.

Hydrostatic Test Water

Hydrostatic testing will likely be utilized to verify pipeline integrity. We recommend that the EIS identify and describe the location of the water sources required for hydrostatic testing, in terms of surface area, depth, volume, withdrawal rate, and project requirements. For each water source, we recommend that the EIS discuss the presence of any anadromous and/or resident fish species, including discussion of any direct and cumulative impacts to fisheries resources. In addition, we recommend that locations and methods of discharges to land and/or surface waters be specified in the EIS. Emphasis should be placed on minimizing inter-basin transfers of water to the maximum extent practicable, to

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³³ 40 C.F.R. § 131.12.

³⁴ https://www3.epa.gov/npdes/pubs/sector_g_metalmining.pdf.

minimize the risk of mobilizing invasive species. We recommend that the EIS describe the mitigation measures and control devices that would be implemented to minimize environmental impacts.

Marine Environment and Freshwater Lakes

Port Construction and Dredging Impacts

According to the Permit Application Appendix D – Project Description, the Amakdedori Port will require dredging of a channel and turning basin for shipping access to berths. According to the application, annual maintenance dredging will be necessary throughout the life of the port facility. Dredging activities potentially affect habitats and key ecological functions that support recruitment and sustainability of estuarine and marine organisms. We recommend that the EIS:

- Characterize the marine benthic environment and organisms, sediment composition and grain size, etc.;
- Identify any biologically important areas, such as migratory routes, benthic communities, and subsistence areas;
- Evaluate marine dredging, dewatering, transloading (from water to land), placement methods and options (summer and winter), and disposal sites (offshore, nearshore, upland, and open-water), as well as beneficial uses of the dredged material;
- Include and evaluate a sampling and analysis plan, as well as a marine dredging and disposal plan;
- Evaluate the following potential impacts of dredging activities on species and their habitats:
 - o Substrate removal and any resulting habitat and species removal (entrainment);
 - o Potential changes to estuarine bathymetry, fluvial and tidal energy, and substrate roughness, and any attendant impacts to salinity structure and estuarine circulation;
 - o Potential changes to sediment transport processes, including effects on adjacent shorelines;
 - o Alteration of sediment composition in and around the dredging site (including changes to the nature and diversity of benthic communities);
 - o Local resuspension of sediments and any turbidity increases;
 - o Spread of sediments (and any associated contaminants) into the area surrounding the dredging site;
 - o Release of sediment-associated nutrients, potential increases in eutrophication and resulting decreases in dissolved oxygen concentrations;
 - O Decreased primary production due to reduced transparency of the water column and/or smothering, particularly at in-water disposal sites; and
 - o Enhanced bioavailability and ecotoxicological risk of background contaminants and/or chemical or biochemical changes of contaminants;
- Consider implementation of effective mitigation measures to ensure that marine resources and habitats are adequately protected; and
- Incorporate a monitoring plan for marine protected resources and associated habitats to ensure effectiveness of mitigation measures.

Because of the magnitude of the proposal, dredging and disposal operations will need to be carefully planned and scheduled to avoid and minimize impacts to sensitive marine mammals, fish, shellfish, and their habitat at critical spawning and migration periods.

Dredged Material Disposal

According to the Permit Application Appendix D, dredged material will be used to construct the jetty, causeway, and/or the main terminal patio area, if suitable. Excess dredged material will be stockpiled in

an upland location adjacent to the port facilities. The EPA recommends an on-the-ground wetland delineation at the proposed dredged material disposal site to verify whether there are any jurisdictional waters of the United States at this location.

The proposed discharge of dredged material effluent from the confined disposal facility into Kamishak Bay is subject to regulation under Section 404 of the CWA. Thus, the EIS should include sufficient information to support making the required determinations and findings under the Guidelines. For example, Subpart G of the Guidelines includes general evaluation procedures and specific testing procedures to reach the determinations required by 40 C.F.R. § 230.11. The Inland Testing Manual³⁵ also provides detailed technical guidance on how to evaluate and test dredged material consistent with the Guidelines. In particular, the EPA recommends using the ITM Appendix B, "Guidance for Evaluation of Effluent Discharges from Confined Disposal Facilities."

To support disposal decisions, we recommend that the EIS provide an inventory of the physical and chemical characteristics of the dredged material and an assessment of disposal alternatives. We recommend that the range of dredged material management alternatives include: no action; the proposed action; beneficial uses such as beach nourishment or construction material; a disposal site in internal waters, landward of the Kamishak Bay closing line (regulated under the CWA); and an ocean disposal site seaward of the Kamishak Bay closing line (regulated under the Marine Protection, Research and Sanctuaries Act).

Potential for Ocean Disposal of Dredged Material

Under Section 102 of the MPRSA, the EPA is responsible for designating and managing ocean dumping sites for all materials, including dredged material. The EPA designates ocean disposal sites through rulemaking and sites are published at 40 C.F.R. § 228.15. The EPA bases the designation of an ocean disposal site on environmental studies of a proposed site, studies of regions adjacent to the site, and historical knowledge of the impact of disposal on areas similar to the site in physical, chemical, and biological characteristics. All studies for the evaluation and potential selection of dredged material disposal sites should be conducted in accordance with the criteria for the selection of disposal sites for ocean dumping published in 40 C.F.R. §§ 228.5 and 228.6. The minimum requirements for baseline assessment surveys are found in 40 C.F.R. § 228.13.

The evaluation process includes conducting oceanographic studies to establish the environmental conditions at all alternative locations being considered as potential sites, as well as the area or region encompassing the alternative sites. Results from oceanographic studies and other sources are used to model likely dispersion and deposition of material disposed at the alternative sites and evaluate potential impacts. If there are no practicable alternatives to ocean dumping that will have a less adverse impact on the environment, this information is used to select the best ocean site proposed for designation.

If ocean disposal is to be considered as an alternative, we encourage the Corps to engage early and actively with the EPA to ensure that site selection activities are consistent with the MPRSA and the ocean disposal criteria. The EIS must be adequate for the EPA to ensure that use of the site selected for designation will not likely cause unreasonable degradation to the surrounding marine environment. In addition, only dredged material that is authorized for disposal under the MPRSA and 40 C.F.R. Part 227 may be disposed in an EPA-designated ocean dredged material disposal site.

³⁵ See https://www.epa.gov/cwa-404/inland-testing-manual.

Impacts of Vessel Traffic

Marine traffic, including barges and other vessels associated with construction and operation of the proposed project, may also result in impacts to the marine environment. For example, vessel traffic may result in potential impacts to marine mammals, including threatened and/or endangered species, and their migration patterns and routes; subsistence, commercial, and recreational fisheries; and other vessel use. We recommend the EIS describe the vessel traffic schedule in Cook Inlet; patterns and marine transportation routes; subsistence, commercial, and recreational fishery resources; and the migration period, patterns, and routes of potentially affected marine mammals, including Cook Inlet Belugas. The direct, indirect and cumulative impacts from vessel traffic on marine mammals, threatened and endangered species, critical habitats, and fishery resources should be analyzed in the EIS, and the EIS should discuss the mitigation measures that would be implemented to minimize such impacts.

Use of the proposed ice-breaking ferry on Lake Iliamna may result in similar impacts to the freshwater lake environment, including the potential for wake impacts to the shoreline. We recommend the EIS analyze the direct, indirect, and cumulative impacts of the year-round use of the lake proposed by the applicant on threatened and/or endangered species, fishery resources, and other lake user groups, and discuss mitigation measures to minimize impacts.

Air Quality

The EPA recommends that the EIS evaluate how the construction and operation of the proposed project and alternatives could affect air quality and what measures may be needed to mitigate potentially significant impacts. Such an evaluation is necessary to ensure compliance with state and federal air quality regulations, and to disclose the potential impacts from temporary or cumulative degradation of air quality. To address potential air quality impacts, the EIS should consider whether the direct, indirect, or cumulative impacts of project-related air emissions would result in any adverse impact on air quality or air quality-related values.

Potential air pollutant concerns for the proposed project include:

- Operation of heavy machinery and equipment, including marine vessels, during construction and
 operations that result in the emission of fossil fuel combustion exhausts. Such exhausts will
 include oxides of nitrogen, oxides of sulfur, carbon monoxide, and particulates. The significance
 of the contribution of project emissions to the formation of secondary particulate matter (PM_{2.5})
 and ozone should also be evaluated;
- Fugitive dust emissions may be generated from construction and operation of the mine, ancillary
 facilities, and supporting infrastructure. In addition to human health effects, dust blown from the
 roadway can settle onto wetlands, vegetation, or waterbodies, impairing their health as well; and
- Hazardous air pollutants may result from fuel combustion and ore processing. The *National Air Toxics Assessment* asserts that numerous human epidemiology studies show increased lung cancer rates associated with diesel exhaust and significant potential for non-cancer health effects (see http://www.epa.gov/ttn/atw/nata). Also, the Control of Emissions of Hazardous Air Pollutants from Mobile Sources Final Rule (66 Fed. Reg. 17,230, March 29, 2001) lists 21 compounds emitted from motor vehicles that are known or suspected to cause cancer or other serious health effects. The EPA recommends the EIS disclose whether hazardous air pollutant emissions would result from project construction and operations, discuss the cancer and non-cancer health effects associated with air toxics and diesel particulate matter, and identify sensitive receptor populations and individuals likely to be exposed to these emissions.

We recommend the following steps for the EIS air quality analysis:

- Characterize the existing conditions to set the context for evaluating project impacts, including:
 - o Regional climate and meteorology,
 - o Air quality and air quality related values (e.g., visibility),
 - o Identification of sensitive receptors in the vicinity;
- Review air quality regulations and any air permitting requirements that apply to the air pollutant sources associated with the project;
- Provide a comprehensive emissions inventory of criteria pollutants (in tons per year), greenhouse gas emissions (in metric tons CO₂ equivalents per year), and significant HAP emissions for all project components (mine site, transportation corridor, port, and pipeline) and project phases; and
- If projected emissions are significant, conduct near-field and far-field air quality modeling to assess project-related air quality and visibility impacts. Also, see our recommendations related to Predictive Modeling, later in this document.

We recommend that the Corps evaluate and incorporate best management practices and mitigation measures into the EIS to reduce emissions of criteria pollutants and HAPs, which also have co-benefits of reducing GHGs. We recommend that the EIS include a comprehensive fugitive dust control plan as well as a construction air pollutant emissions control plan to address reduction of engine emissions.

These recommendations are separate and distinct from, and are not intended as a substitute for compliance with, any additional obligations of the Corps and the project proponent to comply with the federal Clean Air Act and any applicable state or tribal air pollution laws, which may require, among other things, obtaining pre-construction permits and operating permits, compliance with new source performance standards and/or national emission standards for hazardous air pollutants, as well as any applicable state implementation plan (SIP) requirements, including, as applicable to the Corps, the requirements under Section 176 of the Clean Air Act regarding conformity of federal activities to implementation plans approved or promulgated under section 110 of the Clean Air Act.

Climate Adaptation

The EPA recommends that the EIS include a discussion of reasonably foreseeable effects that changes in the climate may have on the proposed project and the project area, including its long term infrastructure. This could help inform the development of measures to improve the resilience of the proposed project. If projected changes could notably exacerbate the environmental impacts of the project, the EPA recommends these impacts also be considered as part of the NEPA analysis.

Fish and Wildlife, including Endangered Species and Essential Fish Habitat

The EPA recommends that the EIS evaluate impacts to fish and wildlife from the proposed project and alternatives. The aquatic resources section above also provides recommendations related to fisheries.

Special consideration should be given to listed and proposed species under the Endangered Species Act and Essential Fish Habitat under the Magnuson Stevens Fishery Conservation and Management Act. NEPA regulations require that, to the fullest extent possible, the EIS be prepared concurrently with

environmental analyses required by the ESA and other environmental laws.³⁶ Magnuson Stevens Act and ESA implementing regulations also encourage coordination with other environmental reviews.^{37, 38}

We recommend that the EIS discuss the species listed and proposed as threatened or endangered under the ESA and the essential fish habitat within the project area (including the pipeline, roads, and port site) and the potentially impacted area surrounding the project. The EIS should describe impacts to ESA species and EFH and discuss the activities proposed to avoid, minimize, mitigate, and monitor listed and proposed species and EFH. We understand that the Corps will develop a biological assessment to evaluate impacts to listed and proposed endangered species and EFH, and recommend that it be included with the draft EIS. We also recommend that the federal action agencies work together to ensure that a single biological assessment is developed that meets all agencies' needs.

National Historic Preservation Act

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic properties, including those of traditional religious and cultural importance, following regulations in 36 C.F.R. Part 800. The NHPA requires a federal agency, upon determining that activities under its control could affect historic properties, to consult with the appropriate State Historic Preservation Officer /Tribal Historic Preservation Officer. We support the Corps' early engagement with the Advisory Council on Historic Preservation, and we recommend that the EIS discuss any potential impacts to historic properties, including any tribal, cultural, or other treaty resources that are historic properties or traditional cultural properties. In addition, the EIS should identify alternatives and mitigation to avoid significant impacts. Recommendations related to traditional uses and resources that are not historic properties are discussed further below.

Invasive Species

We know that ballast water from barges or vessels can be a major source of non-native species into marine ecosystems. Non-native species can adversely impact the economy and the environment and cause harm to human health. Impacts may include reduction of biodiversity of species inhabiting coastal waters due to competition between non-native and native species for food and resources. We recommend that the EIS discuss potential impacts from non-native invasive species associated with ballast water in vessels that will be utilizing the Amakdedori Port associated with this project and identify mitigation measures to minimize adverse impacts to the marine environment and human health.

SAFETY, RISK ANALYSIS, AND HAZARDOUS MATERIALS MANAGEMENT

Accidents and Failures

An array of spills, accidents, and failures can occur at mining sites. We recommend that the EIS describe the control measures that will be in place to prevent these events from occurring during construction, operations, and closure. To identify these events, we recommend that the Corps evaluate the proposed design and management of the tailings facility, dams, and other structures and evaluate PLP's waste and water management and reclamation plans to determine the project-specific likelihood of different types of accidents and failures. Designs and management plans for the pipeline and transportation components

³⁶ 40 C.F.R. § 1502.25.

³⁷ 50 C.F.R. § 600.92 (c), (f).

³⁸ 50 C.F.R. § 402.06.

(road, ports, shipping) should also be evaluated to determine the probability of accidents and failures. We recommend that the results of these evaluations be documented in the EIS. For those events that are determined to be of low probability but high consequence, we recommend that the EIS evaluate the potential effects of such events on aquatic ecosystems, particularly fishery resources, and other resources. The EIS should also discuss mitigation measures that could minimize the risk or damages of such events.

Physical Stability of Structures

The EIS should assess the likelihood of earthquakes in the region and describe the geotechnical stability of the tailings and waste storage facilities and open pit walls during operations and closure. We recommend including a description of how these facilities are designed and how they would be operated, closed, and monitored to ensure stability. In addition, we recommend that a risk assessment, such as a Failure Modes Effects Analysis, (FMEA) be conducted on each of the tailings dams with the results summarized in the EIS. An FMEA considers potential failure modes and identifies the relative likelihood and consequences of the failure modes, which are key considerations for impact assessment. We recommend that the EIS incorporate mitigation or alternatives to improve stability should the FMEA identify failure modes that are anything other than a tolerable risk.

For the tailings impoundment in particular, we recommend that the Corps require a demonstration that the structure complies with state dam safety criteria and has been designed by qualified persons. In addition, we recommend that the Corps require that the dam be independently reviewed (and modified if indicated by the review)³⁹. Given the proposed size of the dams associated with the Pebble project and value of the downstream resources, we believe that an independent review of the dam structure is appropriate. We recommend that the results of the independent review be documented in the EIS in order to support the assessment of geotechnical stability.

As mentioned above in the Range of Alternatives section, we recommend that the Corps consider alternatives to improve physical stability of the tailings, including consideration of filtered tailings (dry stack). We note that consideration of a filtered tailings alternative and assessment of safety and stability via a FMEA and independent review panel are consistent with recommendations of *The Independent Expert Engineering Investigation and Review Panel Report on Mount Polley Tailings Storage Facility Breach* (January 30, 2015). In addition to investigating the cause of the Mount Polley tailings storage facility failure, the Review Panel made recommendations on actions that could be taken to ensure that similar failure does not occur at other mines. We recommend that the Corps consider the Review Panel Report and, in particular, the recommendations related to best available technology for new impoundments, design commitments to support permit applications, and actions to validate the safety of tailings storage facilities.

Hazardous Materials

We recommend that the EIS address the potential direct, indirect, and cumulative impacts of hazardous materials/wastes management and storage from the construction and operation of the proposed project and alternatives. Mining activities may involve the transport of hazardous materials, and we recommend that the EIS disclose the types and amounts of materials that will be used at each step of mining operations. In addition, we recommend that the EIS describe measures that will be taken to minimize the

³⁹ 33 C.F.R. § 325.1.

chances of an accidental release, emergency measures that will be implemented should such an event occur, and how potential adverse impacts from spills may be mitigated by effective containment and cleanup operations.

We also recommend that potential health impacts to local communities or other project area users be identified, as well as any strategies employed to communicate risks or actual emergencies. As part of this analysis, we recommend that the EIS use scientific and traditional ecological knowledge to describe potential health effects from exposure to hazardous materials and the effects on the palatability of eating potentially contaminated foods.

HUMAN HEALTH AND IMPACTS TO COMMUNITIES

Sociocultural Impacts

It is anticipated that the proposed project will result in employment opportunities for Alaska Native residents, as well as generate local and corporate revenues in the region. While employment opportunities and local revenues generally increase a community's standard of living, there can also be impacts to families, communities, and cultures, especially in areas where residents are participating in traditional cultural practices. Noise and physical structures may disturb and/or displace subsistence wildlife from the project area. Other project impacts may affect a community's ability to access traditional and accustomed subsistence use areas. We recommend that the EIS identify the specific communities, federally recognized tribes, and corporations that could be impacted, both positively and negatively, which will help agency decision makers and the public understand the scope of the potential sociocultural impacts.

We recommend that the sociocultural impacts associated with this project and alternatives be fully evaluated and disclosed in the EIS and include, but not be limited to, the following:

- Socioeconomic Impacts
 - Evaluate potential changes to the region's economy as a result of the mine construction and operation (e.g., changes to commercial fishery, recreational fishery, and tourism sectors).
 - Evaluate impacts associated with economic changes to families, communities, and cultures, including potential changes to those aspects of the area's economy that are currently subsistence-based;
 - o Evaluate the potential decline in the region's economy following mine closure; and
 - o Evaluate replacement costs of traditional foods if access or availability are impacted by the proposed project.
- Accessibility of Traditional Use Areas
 - o Identify community traditional use areas for subsistence, harvesting, hunting and trapping, fishing, travelling, camping, berry picking, and other uses;
 - O Describe the potential access limitations to these traditional use areas and their impacts to local communities; and
 - o Coordinate with the tribes and communities on options for mitigating impacts associated with accessibility to traditional and accustomed use areas.
- Compatibility of Traditional Use Areas
 - o Identify project activities that may conflict with traditional and accustomed uses; and

 Coordinate with the affected tribes and communities to identify mitigation options for avoiding and minimizing conflicts between traditional and accustomed subsistence uses and the construction and operation of this project.

Environmental Justice and Impacted Communities

In compliance with NEPA and Executive Order 12898 on Environmental Justice, actions should be taken to conduct adequate public outreach and participation that ensures that the public and Native American tribes understand possible impacts to their communities and trust resources.

Executive Order 12898 requires each federal agency to identify and address disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations, low-income populations, and Native American tribes. The EPA also considers children, the disabled, the elderly, and those of limited English proficiency to be uniquely vulnerable populations that may be impacted.

The CEQ has developed guidance concerning how to address Environmental Justice in the environmental review process.⁴¹ In accordance with this guidance, the EPA recommends that the EIS address the following points:

- Identify low income, minority, and Alaska Native communities that may be impacted by the project;
- Describe the efforts that have been or will be taken to meaningfully involve and inform affected communities about project decisions and impacts;
- Disclose the results of meaningful involvement efforts, such as community identified impacts;
- Evaluate identified project impacts for their potential to disproportionately impact low income, minority, or Alaska Native communities, relative to a reference community;
- Disclose how potential disproportionate impacts and environmental justice issues have been or will be addressed by the Corps' decision making process;
- Propose mitigation for unavoidable impacts that will or are likely to occur; and
- Include a summary conclusion, sometimes referred to as an "environmental justice determination" that concisely expresses how environmental justice impacts have been appropriately avoided, minimized, or mitigated.

We also recommend that particular attention be given to consideration of the dependence of local communities on local and regional subsistence resources, access to those resources, and perception of the quality of those resources. Additional information and tools for environmental justice analysis can be found on the EPA's website at: https://www.epa.gov/environmentaljustice.

Health Risk or Impact Analysis

The EPA recommends that the Corps undertake a screening process to determine which aspects of health (including but not limited to public, environmental, mental, social, and cultural) could be impacted by the proposed project. Depending on the screening results, an analysis of health effects, such

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⁴⁰ EO 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-income Populations. February 11, 1994.

⁴¹ http://ceq.hss.doe.gov/nepa/regs/ej/justice.pdf.

as a health risk assessment or Health Impact Assessment, may be needed to determine the direct, indirect, and cumulative impacts to health. This analysis may need as much time to complete as the Draft EIS, therefore we recommend that early screening is essential to ensuring a timely analysis. We further recommend that the Corps partner directly with local, state, tribal, and federal health officials to determine the type of analysis needed to assess health impacts and conduct the analysis, and to determine appropriate and effective mitigation of potential health impacts.

Scope of Health Assessment in EIS

In terms of the scope of the health assessment, we recommend that the potential for contaminant exposure and resulting risks be evaluated. In addition, we recommend that the EIS consider how income from new jobs can result in positive or negative health impacts, for example by increasing socioeconomic status or by generating rapid social and community change. We also recommend considering the health impacts of potential changes to traditional way of life from the project, including reduced reliance on a traditional diet due to lack of access and corresponding increased reliance on substitutes.

Data Collection

To appropriately evaluate health impacts, we recommend that specific health data that may not be routinely collected as part of the scoping process may be required. To ensure that the necessary data are available for this evaluation, the Corps may want to involve public health professionals early in the NEPA process. Public health data and expertise for prospective health impact analysis, or for providing input on health issues, may be available from local health departments, tribal health agencies, the Alaska Department of Health and Social Services, or federal public health agencies such as the U.S. Centers for

Substances and Disease Registry, or the Indian Health Service.

Methods and Tools

The Health Impact Assessment methodology is a common tool that can be used to assess potential health impacts. HIA is a combination of procedures, methods, and tools that enables systematic analysis of potential positive or negative effects of a policy, plan, program, or project on the health of a population, as well as the distribution of those effects within the population. Depending on available data and potential effects, there are different levels of HIA analysis, and we recommend that the Corps' involve public health professionals in determining the appropriate level of analysis. In addition to evaluating impacts, we recommend that the HIA identify the appropriate actions to manage or mitigate health effects from the proposed project.

Guidelines for conducting an HIA are available from various sources.⁴³ The World Health Organization has links to many guides.⁴⁴ The International Finance Corporation has also developed detailed guidelines for conducting an HIA.⁴⁵ In addition, the State of Alaska has developed *Technical Guidance for Health Impact Assessment*, also known as the "Alaska HIA Toolkit".⁴⁶

⁴² This definition is from the International Association for Impact Assessment (IAIA), which is modified from the World Health Organization's Gothenberg consensus statement (1999).

⁴³ The EPA does not endorse or recommend use of any single or particular guidance on HIA. These references are provided as general information and to assist permitting agencies with identifying additional resources on HIA.

⁴⁴ See http://www.who.int/hia/about/guides/en/.

⁴⁵ See http://www.ifc.org/wps/wcm/connect/a0f1120048855a5a85dcd76a6515bb18/HealthImpact.pdf?MOD=AJPERES.

⁴⁶ See http://dhss.alaska.gov/dph/Epi/hia/Documents/AlaskaHIAToolkit.pdf.

CONSULTATION AND COORDINATION WITH TRIBAL GOVERNMENTS

Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (November 6, 2000), was issued to establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, and to strengthen the United States' government-to-government relationships with Indian tribes. In addition, pursuant to Public Law 108-119, 118 Stat. 452, as amended by Public Law 108-4217, 188 Stat. 3267, federal agencies are required to consult with Alaska Native Claims Settlement Act corporations on the same basis as Indian tribes under Executive Order 13175. We recommend that the EIS describe the process and outcome of any government-to-government and/or government-to-corporation consultations regarding the Pebble Project, issues that were raised during the tribal consultations and how those issues were addressed.

Cooperating agency involvement establishes a mechanism for addressing intergovernmental issues throughout the EIS development process, and we support the Corps' inclusion of two tribal governments as cooperating agencies. We recommend that the Corps remain open to including other potentially affected tribal governments that have the resources and interest in serving as cooperating agencies for EIS development, consistent with the July 28, 1999, memorandum from CEQ to the heads of federal agencies.

ANALYSIS TOOLS AND METHODOLOGIES

Baseline Data Adequacy

We suggest categorizing and synthesizing existing data to ensure pertinent information is available for review and use in the EIS analysis. We understand that the Corps intends to establish focused workgroups during development of the EIS. We support this approach and recommend that the workgroups include cooperating agency subject matter experts for key areas (air, water, wetlands, fisheries, etc.) to review baseline data for completeness, identify data gaps, and recommend approaches toward resolving those gaps in a timely manner. For example, additional analysis or collection of additional data may be required to characterize the accuracy of best available baseline estimates of resources such as fish populations, groundwater elevations, or wetland extents. Such information will be critical for designing and developing a robust monitoring framework and for assessing impacts during and after project development and comparing those to the baseline.

Geochemistry/Characterization of Ore, Waste Rock, and Tailings

To provide reliable predictions of water quality and impacts to surface water and groundwater due to wastewater and mine waste management, we recommend that the physical and chemical characteristics of the ore, pit walls, waste rock, and tailings should be determined and disclosed in the EIS. Environmental samples used to support projections should represent a range of conditions that currently occur and that could occur in the future as a result of the project, including under potentially altered future climate conditions. Waste materials (ore, waste rock, tailings) used for environmental projections should be representative of the material to be mined and related to the mine plan and proposed processing methods. Physical and chemical characterization should be conducted in a manner that provides environmentally conservative estimates of impacts.

It may be helpful to consider EPA Region 10's Sourcebook for Hardrock Mining for recommendations related to the NEPA analyses of mining projects.⁴⁷ We recommend that the following information be utilized to characterize geologic and mineralogy setting/aqueous geochemistry in the baseline environment and impact prediction sections of the EIS:

- Whole rock analysis;
- Mineralogy;
- Drill core descriptions;
- Block model or similar model (a computerized estimate of the quantity and characteristics of ore and waste);
- Available literature on the ore deposit;
- Mineral occurrences (e.g., on fracture surfaces, in groundmass, using hand specimens and thin section) with an emphasis on sulfides and carbonates;
- Acid-base accounting;
- Long-term kinetic testing (including possible startup of test pads if sufficient material and access to site are available);
- Baseline surface and ground water quality and flows (including springs);
- Potentiometric surface for groundwater;
- Hydraulic properties (e.g., hydraulic conductivity, porosity, permeability) of soil, vadose zone, and groundwater aquifers, especially under proposed locations of mine facilities; and
- Hydrogeochemical models for prediction of water quality.

Predictive Modeling

We recommend that predictive modeling be based on a site-specific conceptual model that describes the system boundaries, spatial and temporal scales, hydraulic (for water modeling) and chemical characteristics, sources of data and data gaps, and the mathematical relationships used to describe processes. We also recommend that our suggestions be applied to any environmental and predictive modeling used for assessing impacts in the EIS. The water quality model, in particular, should be capable of predicting both whole water and dissolved fractions of metals/metalloids and should provide temporal predictions that are consistent with the time-steps in applicable water quality criteria.

Any modeling documentation should include:

- Tables of parameter values used in the model;
- Tables and graphs of results;
- Uncertainty and sensitivity analyses;
- Errors associated with both measured and assumed data; and
- Recommendations for further analysis, if applicable.

We recommend that discussions on modeling include a clear statement of the management objectives intended to be achieved by the modeling, the level of analysis required to meet the objectives, and uncertainties associated with modeled outcomes. For your reference, please refer to EPA's guidance that provides recommendations for the effective development, evaluation, and use of models in

⁴⁷U.S. EPA Region 10. 2003. EPA and Hardrock Mining: A Source Book for Industry in the Northwest and Alaska January 2003.

environmental decision making.⁴⁸

We recommend that the EIS use caution in describing absolute outcomes based on modeling. Mathematical modeling used for describing the physical and chemical characteristics of the project site and potential impacts includes a level of uncertainty; understanding these uncertainties and associated risks is necessary for informed decision making. We recommend that the study plan for modeling analysis clearly state the purpose, questions of concern, method, data, and limitations of the model to generate valuable interpretations. We also strongly recommend an appropriately conservative approach be taken with modeling and a range of predictive outcomes be discussed (e.g., most likely case, reasonable worst-case, and reasonable best-case scenarios) that reflect a range of climatic settings and critical input values. Inclusion of a reasonable range of outcomes allows the agencies to make better informed plans for mitigation, adaptive management, and contingencies to respond to reasonably foreseeable adverse impacts.

Traditional Ecological Knowledge

Due to the location of the proposed project and traditional uses of the area, we recommend the identification, inclusion, and integration of traditional ecological knowledge into the EIS analysis, as appropriate. Such anthropological work can include the collection of local and traditional knowledge concerning the affected environment, anticipated impacts from the project, and traditional hunting and land use patterns in the area. We recommend that, in addition to reviewing any pertinent traditional ecological knowledge currently available, additional studies be conducted as necessary to clearly identify concerns and potential impacts, including cumulative impacts, from the proposed project and project alternatives. This information should be reviewed and included in the EIS to the extent possible and utilized in the analysis of potential impacts.

MITIGATION, MONITORING, AND ADAPTIVE MANAGEMENT

Mitigation

CEQ regulations at 40 C.F.R. § 1508.20 define mitigation to include five categories of actions to address impacts. Briefly stated, these are: avoiding, minimizing, rectifying, reducing, and compensating. The regulations at 40 C.F.R. § 1502.14(f), 1502.16(h), and 1508.25 indicate that appropriate mitigation measures should be addressed in an EIS both as part of the analysis of alternatives and in discussions of environmental consequences.

Mitigation is also relevant to evaluating compliance with the Guidelines, which prohibit discharges of dredged or fill material that will cause or contribute to significant degradation of the waters of the United States, and prohibit all discharges "unless appropriate and practicable steps have been taken which will minimize potential adverse impacts of the discharge on the aquatic ecosystem." The Guidelines identify numerous types of actions to mitigate potential adverse impacts, which include

⁴⁸ Guidance Document on the Development, Evaluation and Application of Environmental Models (PDF). EPA/100/K-09/003. March 2009. http://www.epa.gov/crem/cremlib.html.

^{49 40} C.F.R. § 230.10(d).

measures to avoid, minimize, and compensate for impacts. Avoidance, minimization, and compensation form a "mitigation sequence" that must be followed in order to comply with the Guidelines' requirement that all appropriate and practicable steps be taken to mitigate impacts to aquatic resources.⁵⁰ Compensatory mitigation considerations under the Guidelines are discussed further in the section on aquatic resources above.

The EPA recommends that the EIS identify the type of activities that would require mitigation measures during the construction, operation, and closure phases of this project. In addition, we recommend identifying whether implementation of each measure is required by the Corps or any other governmental entity and which entity will be responsible for implementing the measure. To the extent possible, mitigation goals and measurable performance standards should be identified in the EIS to reduce impacts to a particular level or adopted to achieve an environmentally preferable outcome. CEQ guidance on the Appropriate Use of Mitigation and Monitoring seeks to enable agencies to create successful mitigation planning and implementation procedures with robust public involvement and monitoring programs.⁵¹

Monitoring

Environmental monitoring programs should be designed to assess both impacts from the project and whether implemented mitigation measures are effective. We recommend that the monitoring programs:

- Define the monitoring goals and objectives;
- Provide details to demonstrate that goals and objectives will be achieved such as the
 parameters to be monitored, monitoring locations and frequency, data analysis, and
 reporting;
- Discuss actions (contingencies, triggers, adaptive management, corrective actions, etc.) that will be taken based on monitoring results;
- Identify and incorporate controls and pre-project data with quantified bias and precision to enable detection of impacts, success of BMPs, and ability to distinguish these from natural variation; and
- Require regular analysis and reporting of data to oversight agencies, including submittal of a sampling and quality assurance plan for agency approval.

We recommend that the monitoring programs be described in the EIS and that the EIS also discuss public participation, and how the public can get information on mitigation effectiveness and monitoring results.

Adaptive Management Planning

We recommend that the EIS utilize adaptive management and contingency planning to describe the strategy for responding to unforeseen circumstances at the site. The strategy should include "trigger levels" (e.g., exceedance of ecological benchmarks) or observations (e.g., statistically significant trends in indicators, permit violations, water balance problems, changes in discharge or chemistry of springs/seeps) that would set follow-up actions into motion. This strategy or plan should be described so that reviewers may comment on its adequacy. This type of plan, when coupled with the monitoring program, is necessary to mitigate for uncertainties and risks associated with predictions of

51 https://ceq.doe.gov/docs/ceq-regulations-and-guidance/Mitigation_and_Monitoring_Guidance_14Jan2011.pdf.

⁵⁰ 40 C.F.R. § 230.10(a), (d); See Memorandum of Agreement between U.S. Department of Army and the Environmental Protection Agency on the Determination of Mitigation Under the Clean Water Act Section 404(b)(1) Guidelines.

environmental outcomes, and will provide an early warning system of unexpected outcomes.

FINANCIAL ASSURANCE

NEPA provides for the disclosure of all information concerning the environmental consequences of a proposed action to agency decision makers and the public before decisions are made and actions are taken. A key component in determining the environmental impacts of a mining project is the effectiveness of the closure and reclamation activities, including long-term water management. In turn, whether any closure and reclamation activities that may be necessary will be adequately funded is key to determining whether those activities will be effective. We therefore recommend that the project's ability to self-fund, and/or any third-party financial assurance mechanisms, be disclosed. Disclosure of the financial assurance amount and mechanism is particularly important for this project given that PLP's proposal includes long term water management and treatment.

We recommend that the draft EIS disclose the estimated costs to reclaim and close the site in a manner that achieves reclamation goals and post-mining land use objectives. The EPA recommends that the final EIS identify proposed financial assurance mechanisms and demonstrate that these mechanisms would ensure that necessary reclamation work is completed.

The EPA is available for further conversations about the level of detail to include in the document. Below are the main elements that we believe should be disclosed in the EIS:

- 1. Site Reclamation (facility closure, earth moving/stabilization, revegetation, etc.):
 - Phases of reclamation;
 - Estimated cost (+/- percent) to reclaim and close the site in a manner that achieves reclamation goals and post-mining land use objectives;
 - Criteria for determining success of reclamation activities for financial assurance release; and
 - Costs associated with implementing contingency measures to address reasonably foreseeable but not specifically predicted outcomes.
- <u>2. Long-Term Site Management</u> (post-closure water treatment, mitigation of impacts to aquatic resources, site maintenance, and monitoring):
 - Itemized cost estimate (including reasonable contingencies) and appropriate economic variables to calculate the net present value of future expenses; and
 - If a trust fund is utilized, address the "mechanics" of the fund, including:
 - o Trust fund mechanism (e.g., current value trust, net present value trust, etc.);
 - o Requirements for timing of payments into the trust fund;
 - O How the Corps would ensure that the trust fund or other financial assurance could not be claimed by a creditor in the case of bankruptcy;
 - o Acceptable financial instruments;
 - o How trust management fees and taxes will be paid;
 - o Identity of the trust fund beneficiaries; and
 - o Identity of the operator with responsibility/liability for financial assurance.

Bi-Monthly Regional Division Director Call

July 3, 2018: 2:00 pm (EST)

Conference Call: Dial-in number: (b) (6)

Agenda

- Introductions and Announcements (5 min)
- 309 rating transformation Status (5 min)
- Project review (10 min)
- 404 comments (10 min)
- non-responsive material
 unrelated to
 Bristol Bay/
 Pebble Mine

Next call: September 4, 2018: 2:00 (EST)

non-responsive - material unrelated to Bristol Bay/Pebble Mine
non-responsive - material unrelated to Bristol Bay/Pebble Mine
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Bi-Monthly Regional Division Director Call

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Non-Responsive: Material Unrelated to Bristol Bay/Pebble Mine
non-responsive - material unrelated to Bristol Bay/Pebble Mine

Bi-Monthly Regional Division Director Call

non-responsive - material unrelated to Bristol Bay/Pebble Mine

Allnutt, David

From:

Sent: Tuesday, June 12, 2018 8:40 AM

To: R10-OERA Calendar; Allnutt, David; Anderson-Carnahan, Linda; Palomaki, Ashley;

> Steiner-Riley, Cara; LaCroix, Matthew; Vaughan, Molly; Hough, Palmer; Mendelman, Krista; Lindsay, Andrea; Skadowski, Suzanne; Nogi, Jill; Peterson, Erik; Nalyen, Heidi; Fordham, Tami; Allnutt, David; Anderson-Carnahan, Linda; Palomaki, Ashley; Steiner-Riley, Cara; LaCroix, Matthew; Vaughan, Molly; Hough, Palmer; Combes, Marcia; Mendelman, Krista; Lindsay, Andrea; Skadowski, Suzanne; Nogi, Jill; Peterson, Erik;

Nalven, Heidi; Fordham, Tami; Szerlog, Michael

Cc: Douglas, Mark; Stern, Allyn; Douglas, Mark; Stern, Allyn

McGrath, Patricia

Subject: RE: Bristol Bay Check-in

Meeting agenda:

Status of scoping letter

Cooperating agency meeting - 3 5

Site travel -

QFR PLP response -

Forsgren and Hladick meeting

Western Caucus response

-----Original Appointment-----From: R10-OERA Calendar

Sent: Monday, February 5, 2018 10:13 AM

To: Allnutt, David; Anderson-Carnahan, Linda; Palomaki, Ashley; Steiner-Riley, Cara; LaCroix, Matthew; Vaughan, Molly; Hough, Palmer; Mendelman, Krista; Lindsay, Andrea; Skadowski, Suzanne; Nogi, Jill; Peterson, Erik; Nalven, Heidi; Fordham, Tami; R10-OERA Calendar; Allnutt, David; Anderson-Carnahan, Linda; McGrath, Patricia; Palomaki, Ashley; Steiner-Riley, Cara; LaCroix, Matthew; Vaughan, Molly; Hough, Palmer; Combes, Marcia; Mendelman, Krista; Lindsay, Andrea; Skadowski, Suzanne; Nogi, Jill; Peterson, Erik; Nalven, Heidi; Fordham, Tami; Szerlog, Michael

Cc: Douglas, Mark; Stern, Allyn; Douglas, Mark; Stern, Allyn

Subject: Bristol Bay Check-in

When: Tuesday, June 12, 2018 9:00 AM-10:00 AM (UTC-08:00) Pacific Time (US & Canada).

Where: R10Sea-Room-14Elwha/R10-Rooms-Service-Center; Conference Line: 1

Conference Line:

- Doner

McGrath, Patricia

From:

POA Special Projects <poaspecialprojects@usace.army.mil>

Sent:

Thursday, October 11, 2018 12:00 PM

To:

bobl@jadenorth.com; Brooke Merrell; Curyung Tribal; Daugherty, Linda (PHMSA); David

Seris (David.M.Seris@uscg.mil); Douglass Cooper; Hassell, David (PHMSA); J. Loichinger;

Joan Kluwe; John Eddins; Kevin Pendegast; 'mary_colligan@fws.gov'; McCafferty, Katherine A CIV USARMY CEPOA (US); McCall, John; McGrath, Patricia; Vaughan, Molly;

datiente A Civ Osakivii Ceroa (Os), iviccan, sonn, ivicorati, raticia, vaugnai

Moselle, Kyle W (DNR); manager@lakeandpen.com; POA Special Projects;

nondaltontribe@yahoo.com; Wesley Furlong

Cc:

Craig, Bill; POA Special Projects

Subject:

Dry Stack Alternative - no do outs (UNCLASSIFIED)

Attachments:

10_11_2018_Pebble_EIS_Dry Stack_Memo.pdf

CLASSIFICATION: UNCLASSIFIED

All,

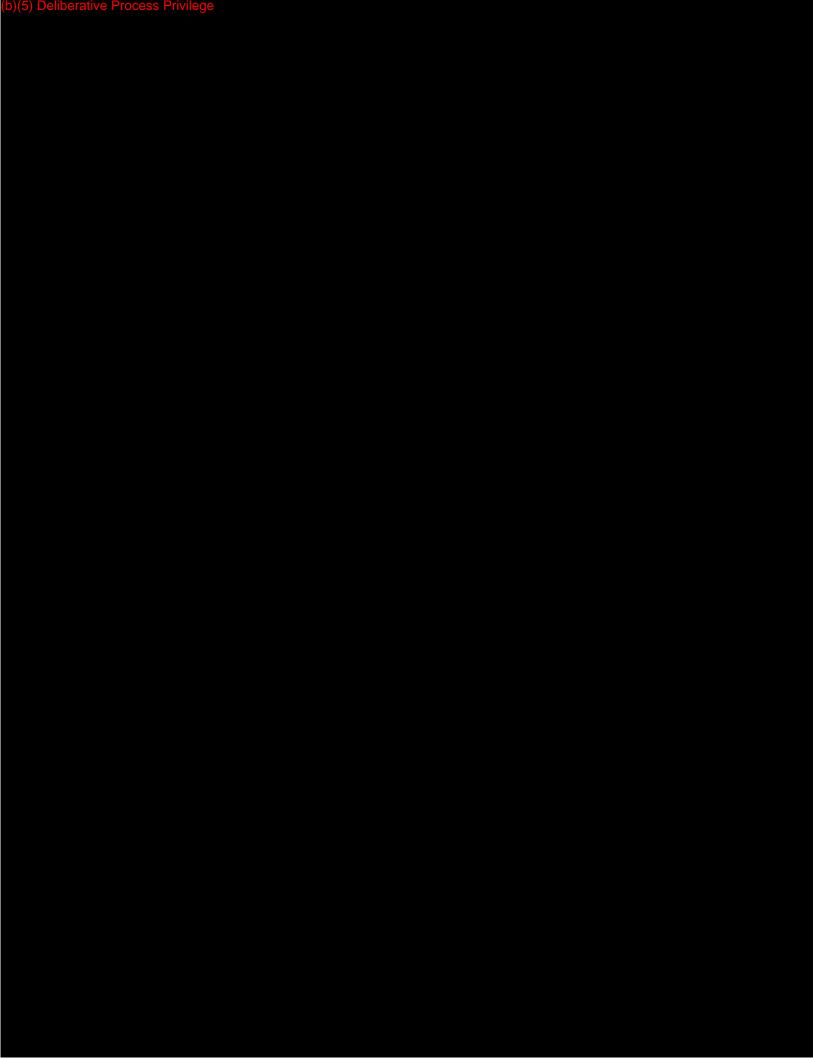
Per comments from several CAs and comments received during scoping, we are considering a Dry Stack Alternative for the TSF. Attached is a memo describing the process and rationale used to evaluate that alternative. This is for consideration and comment if you so desire, or we can discuss it on the 24th.

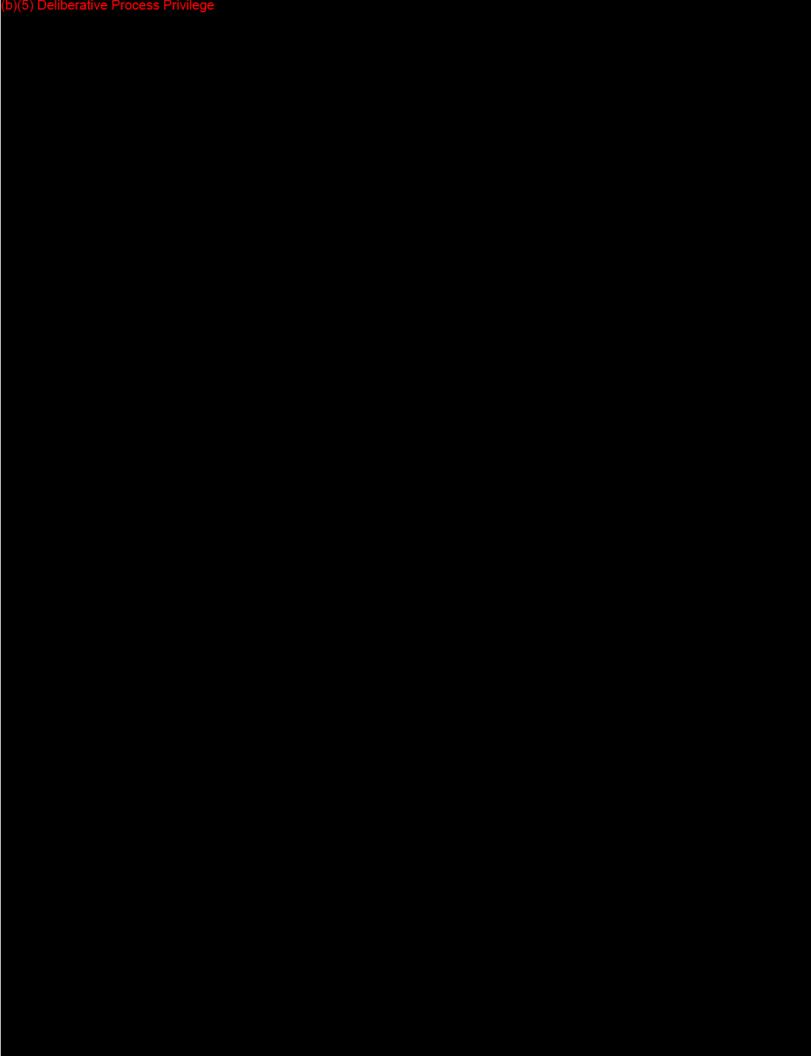
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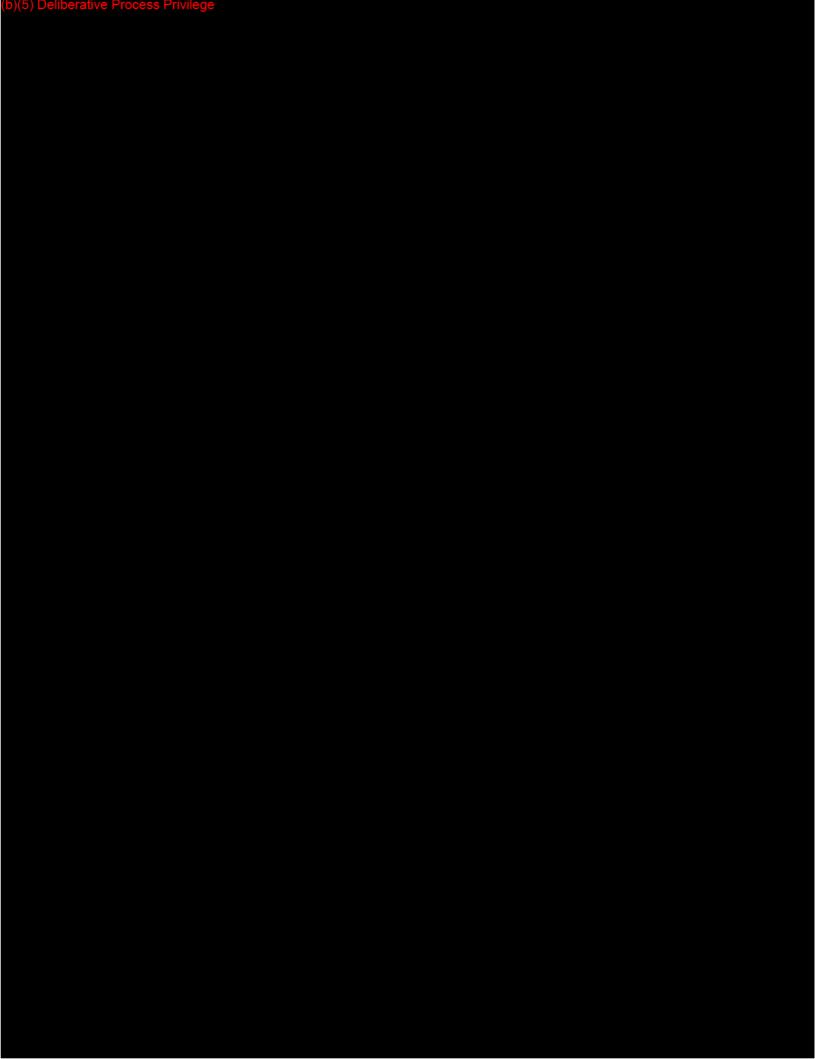
Shane McCoy Program Manager

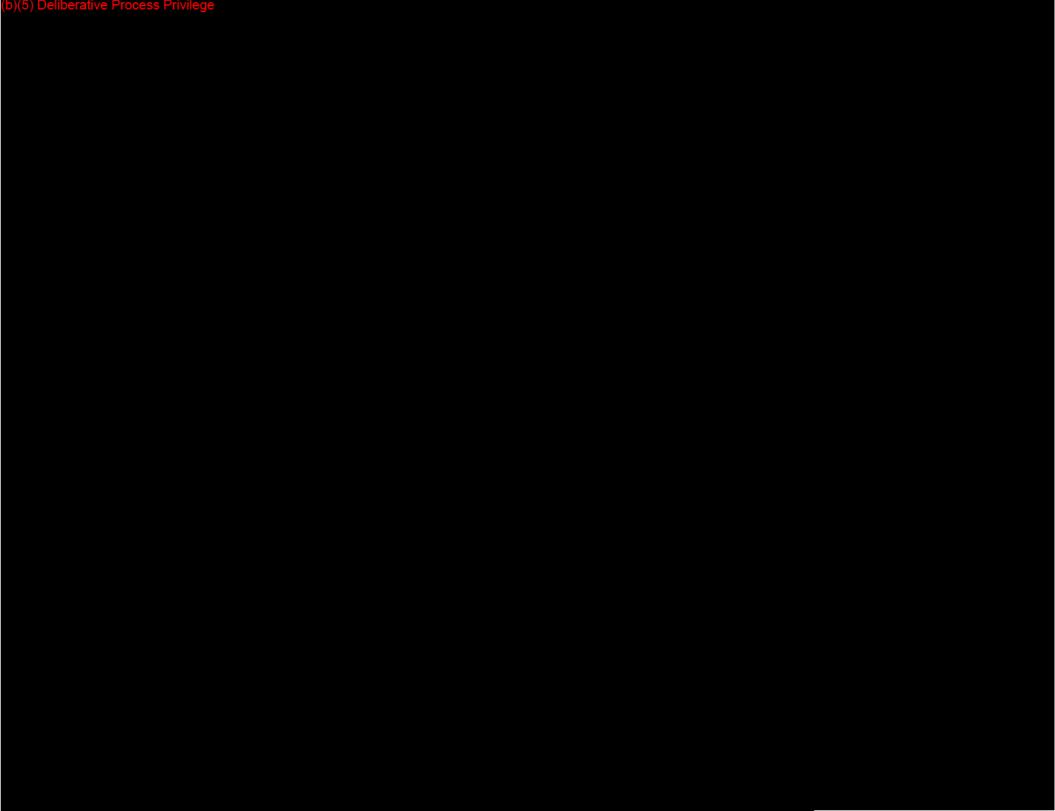
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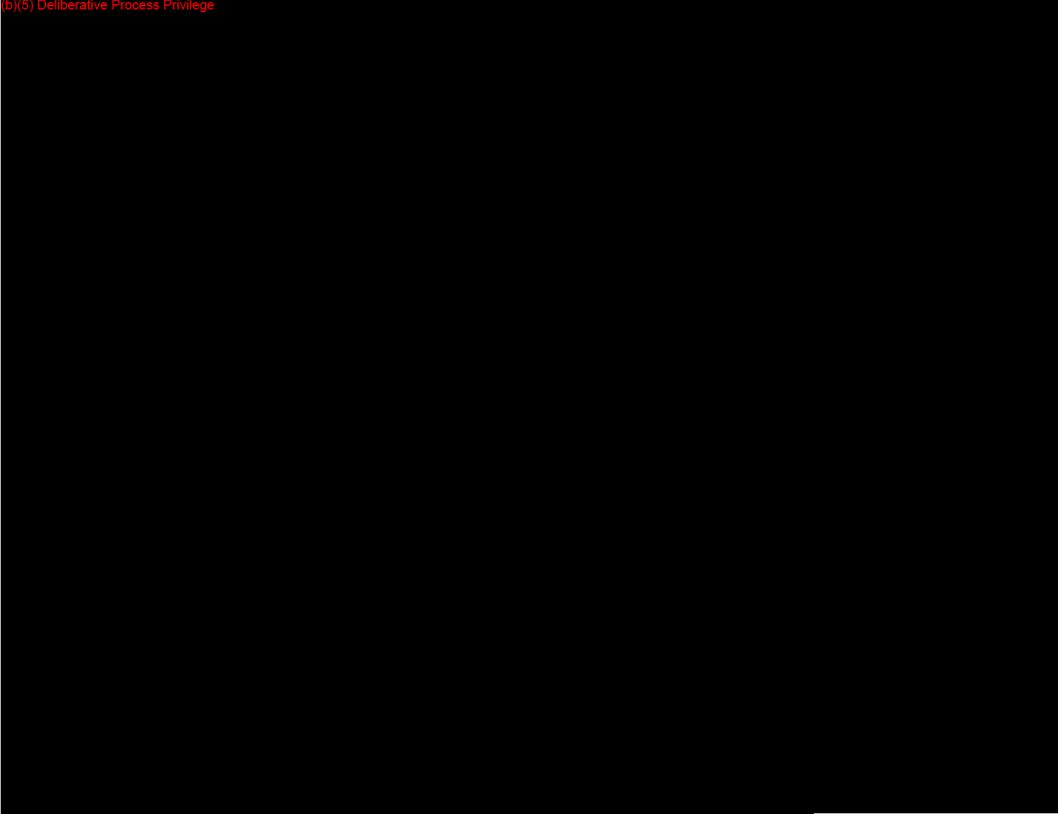
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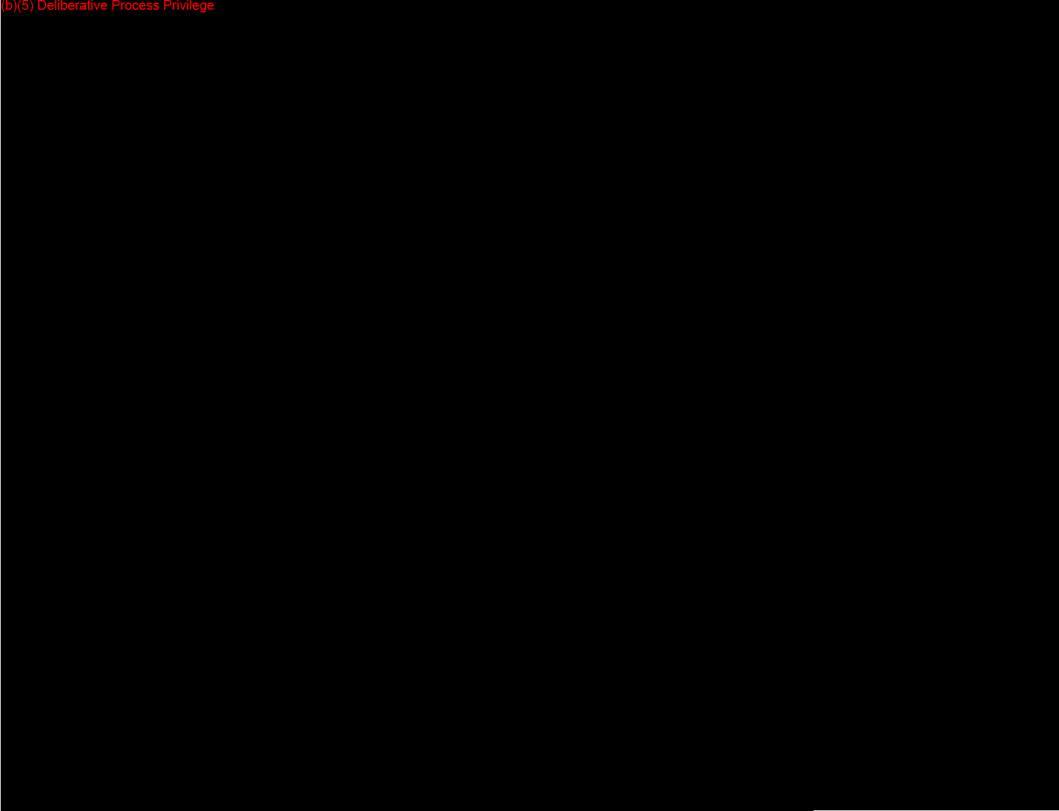


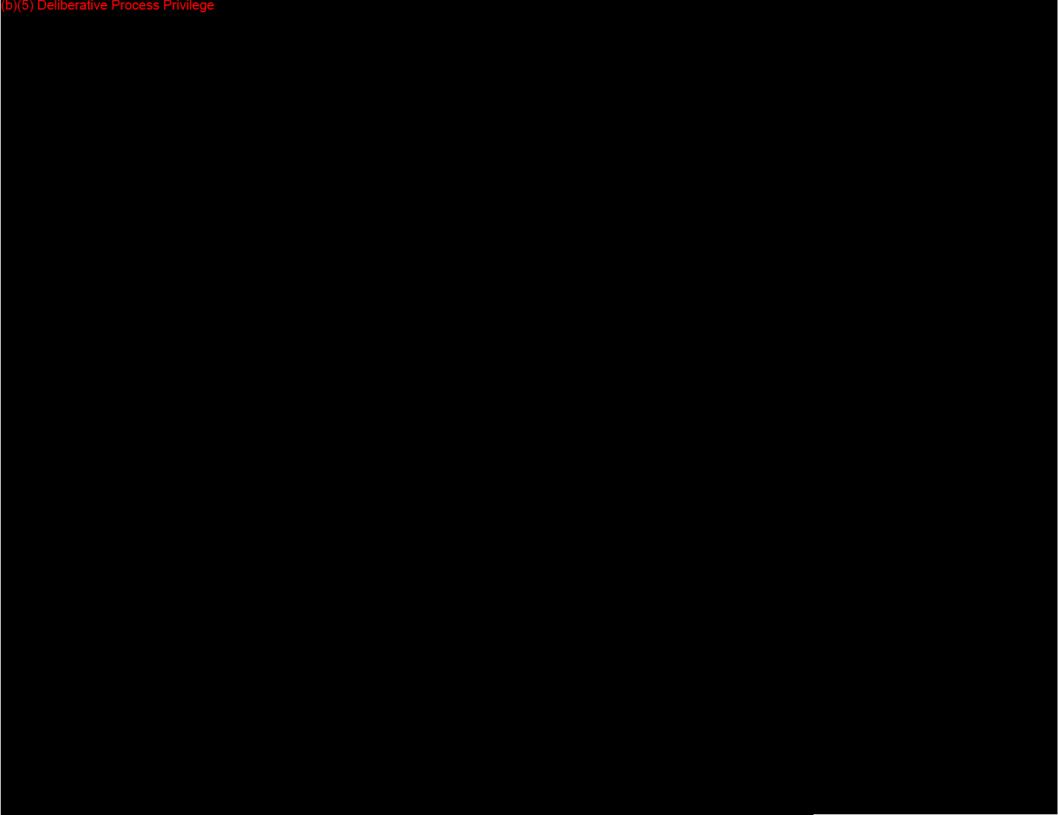


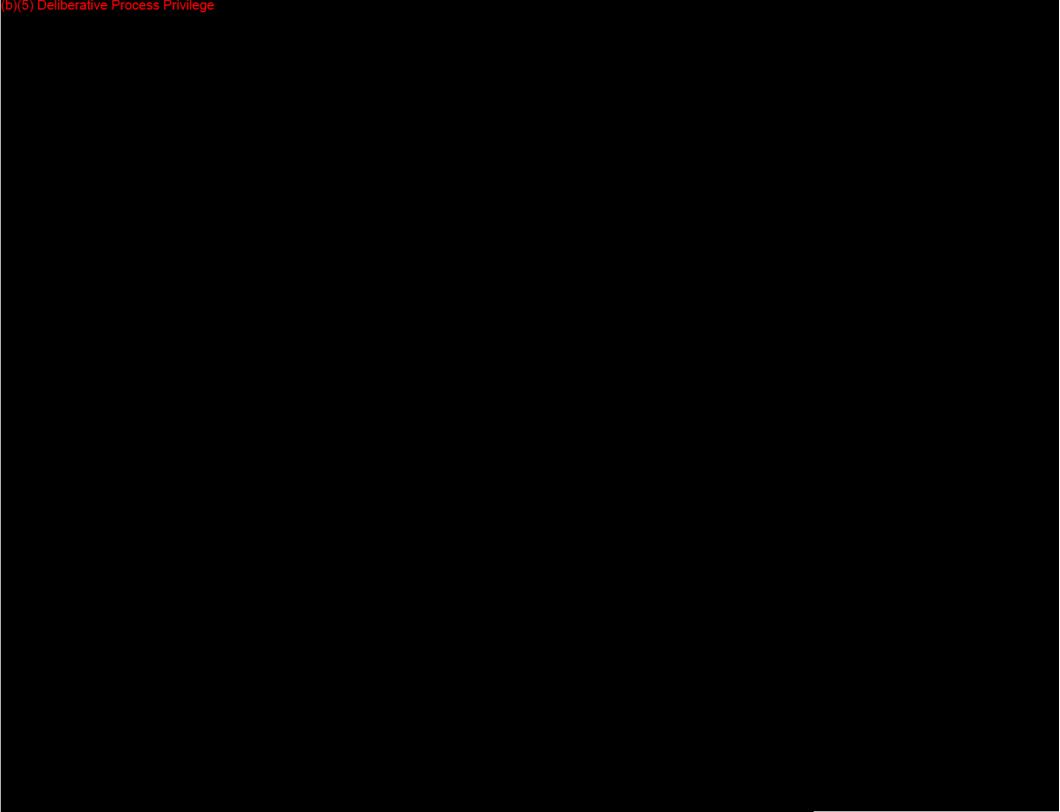


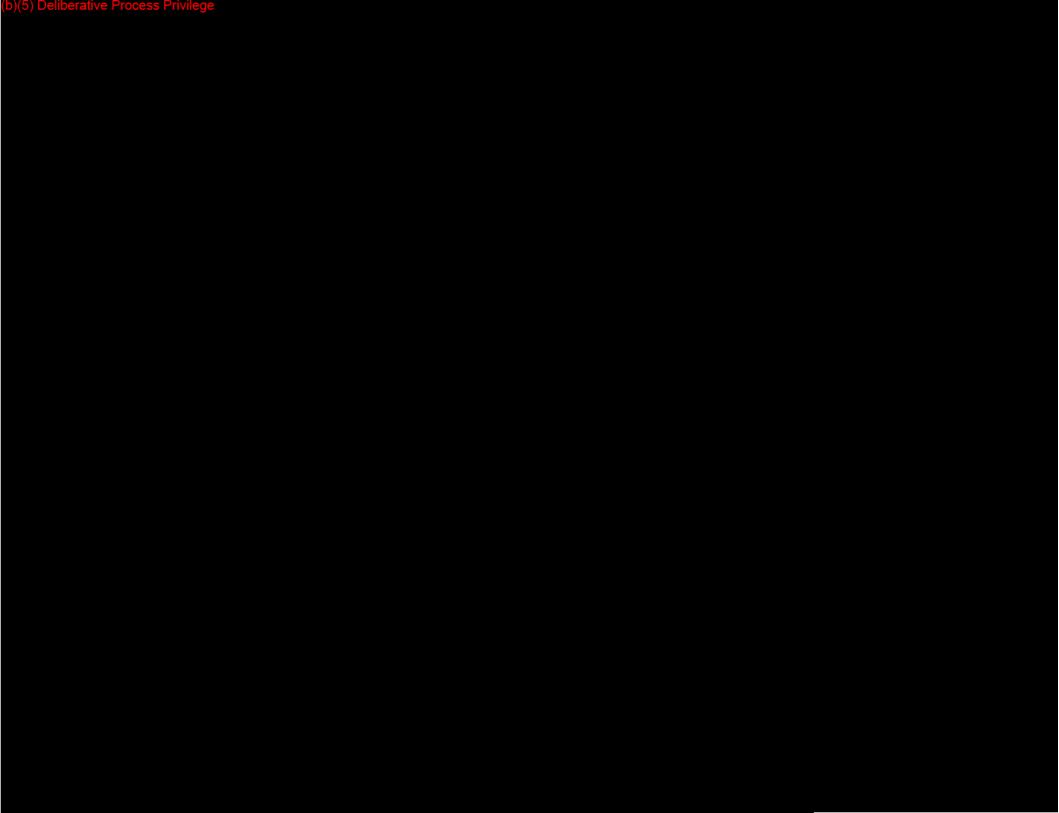


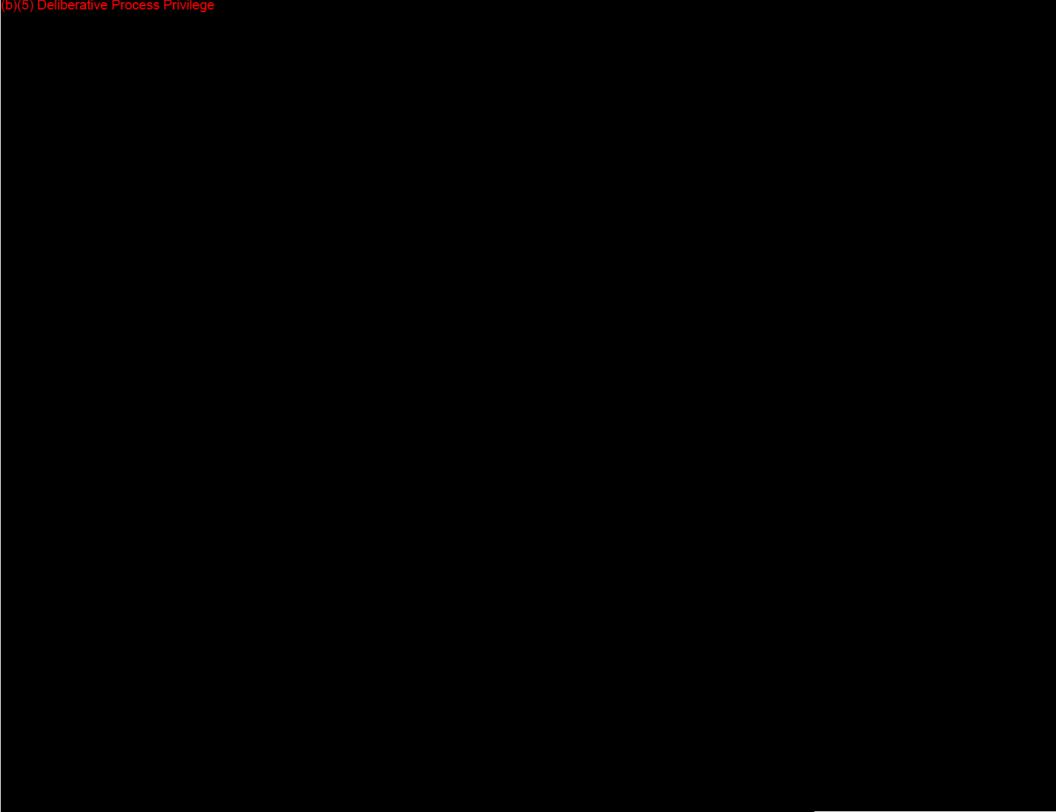


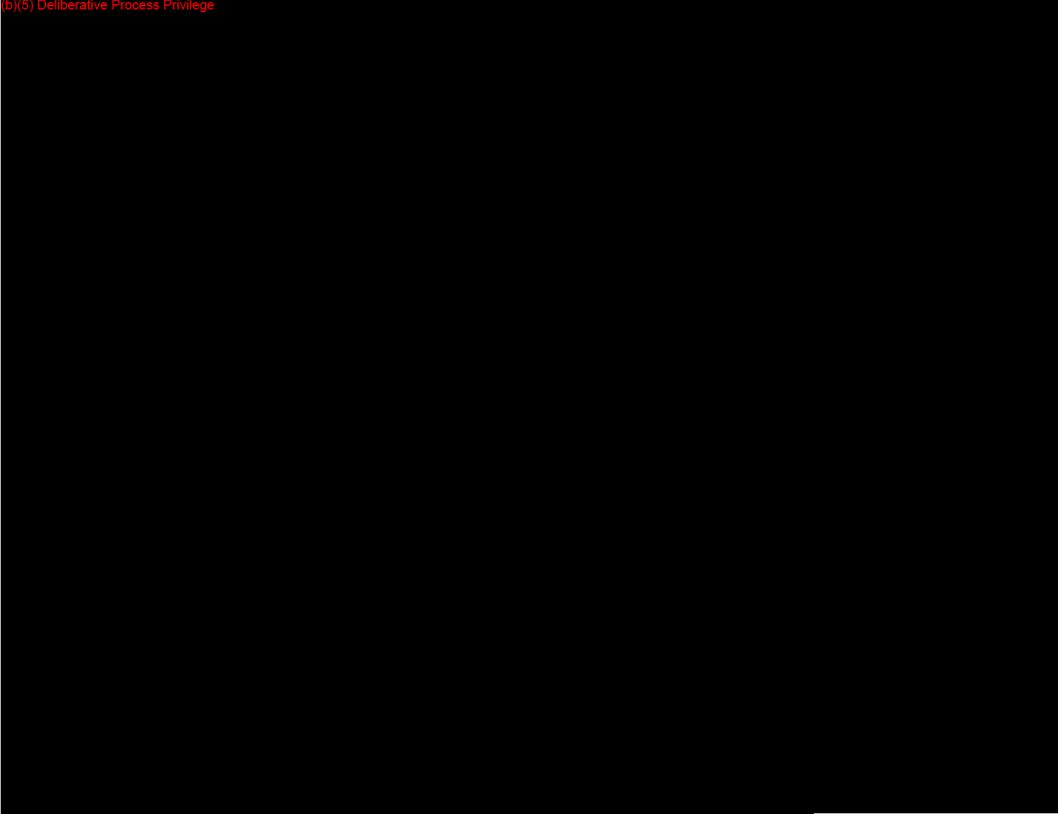


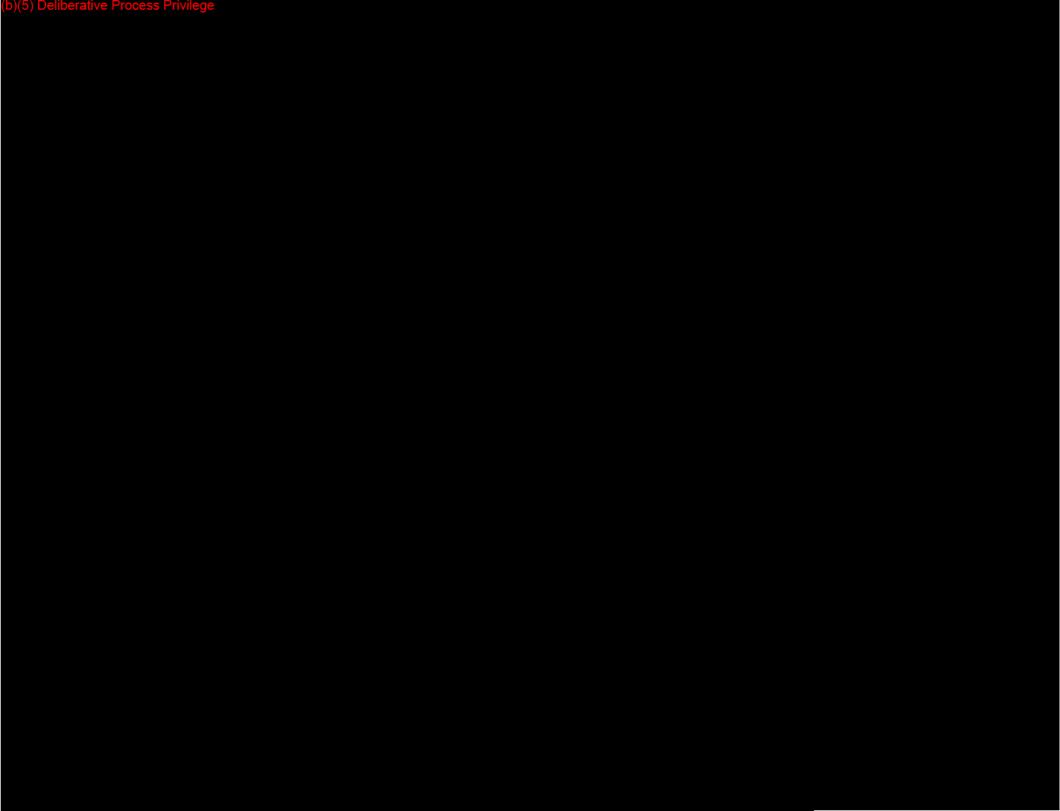


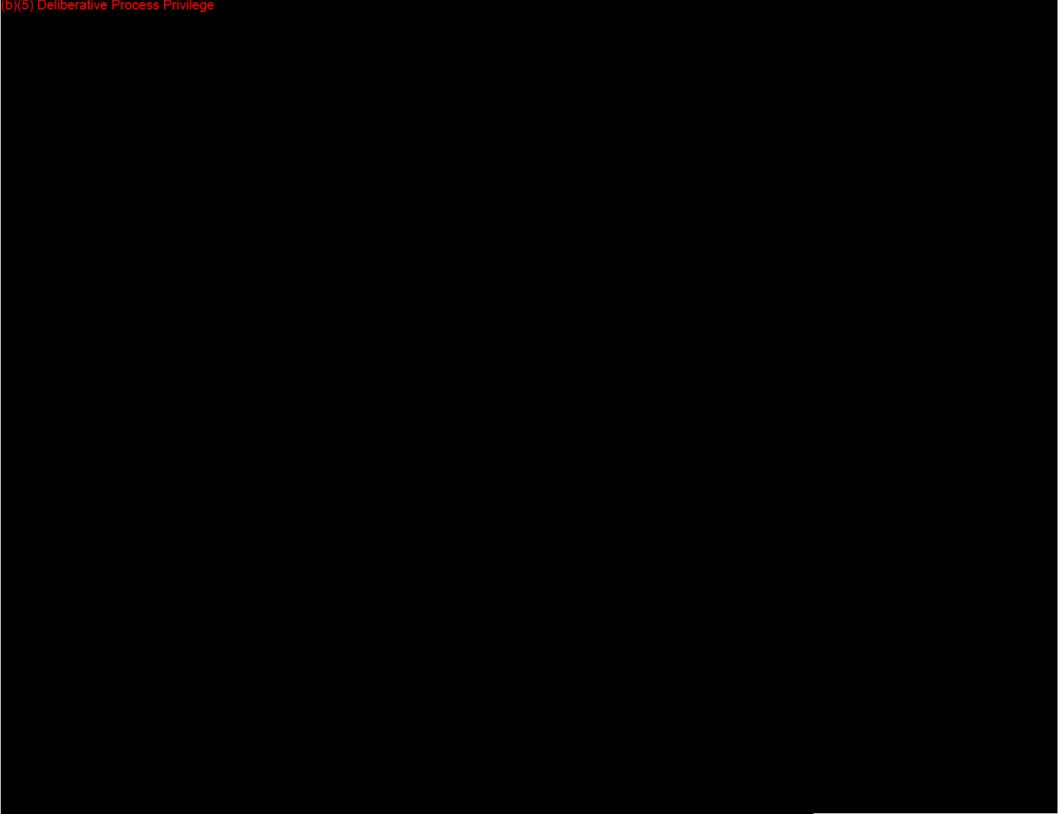


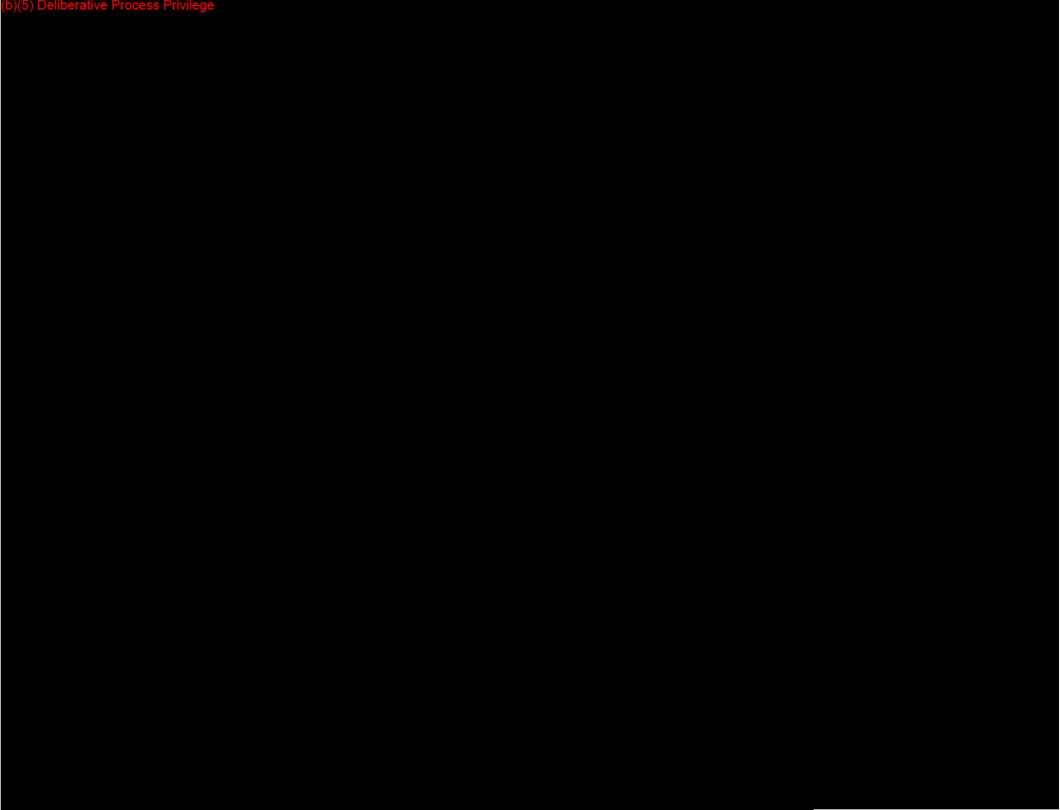


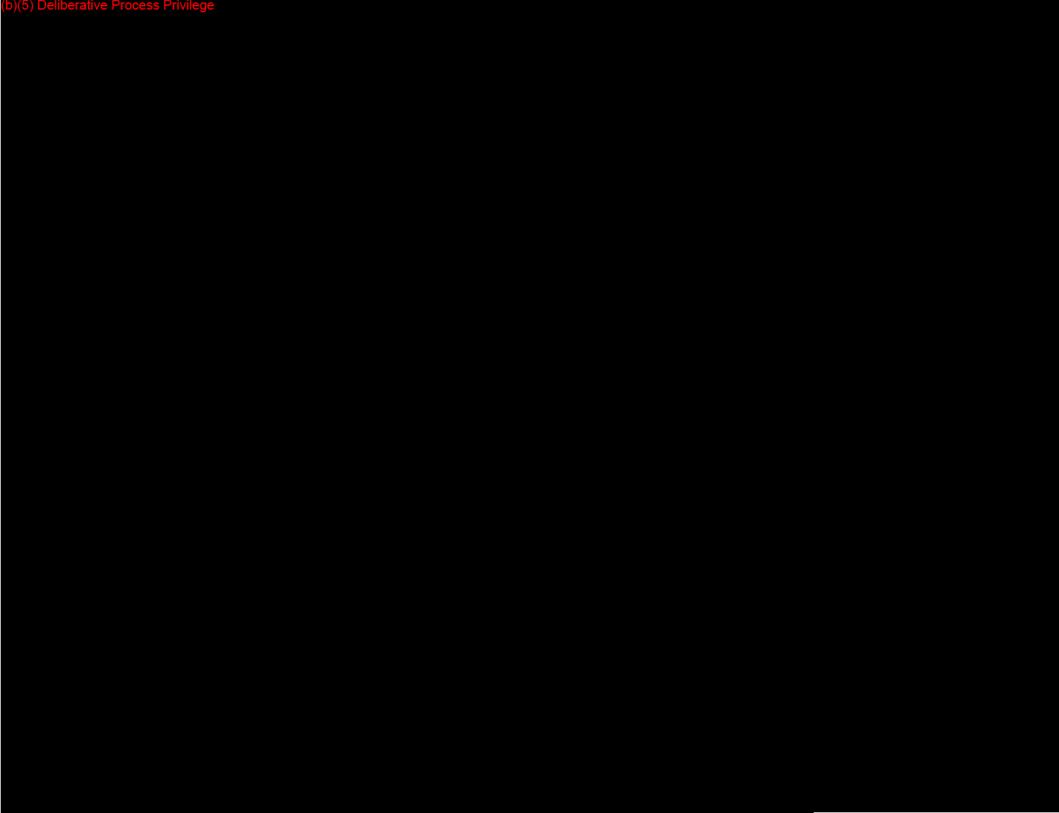


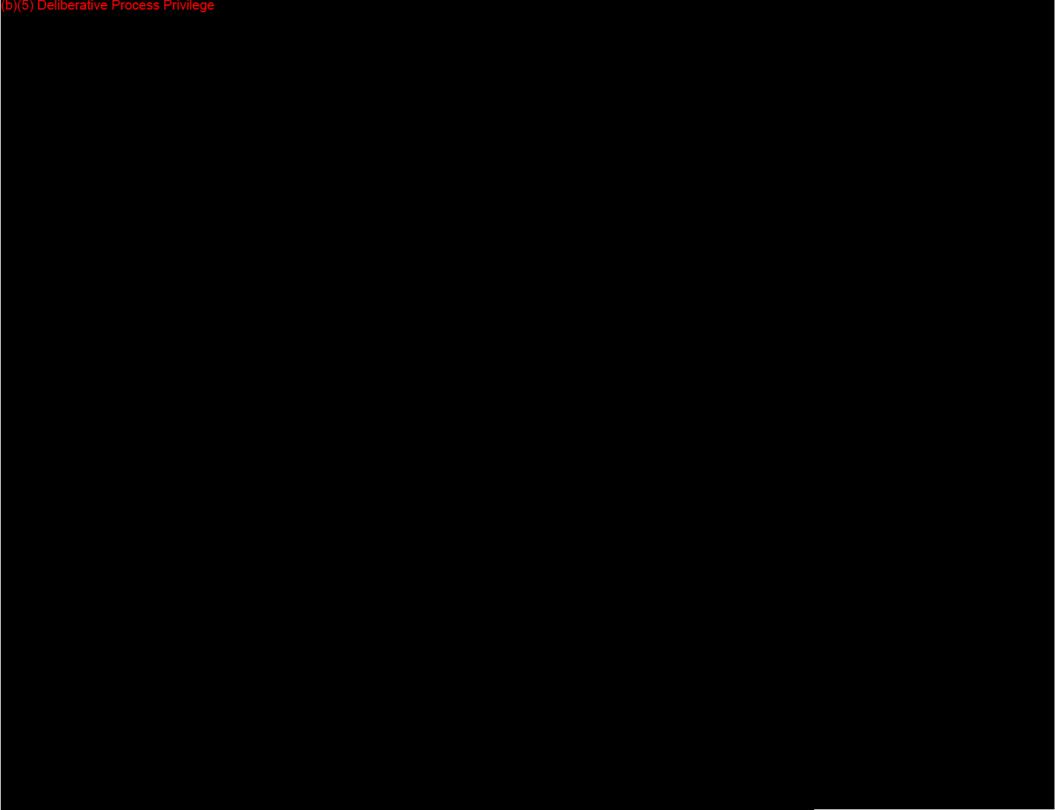


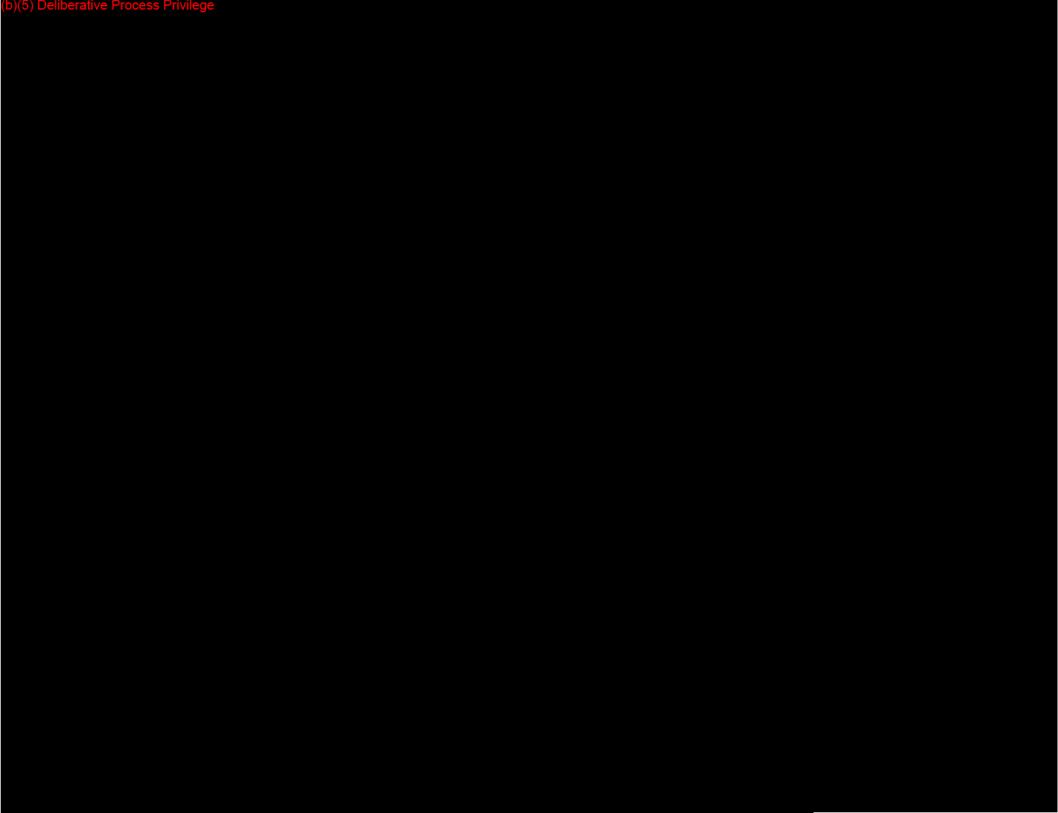


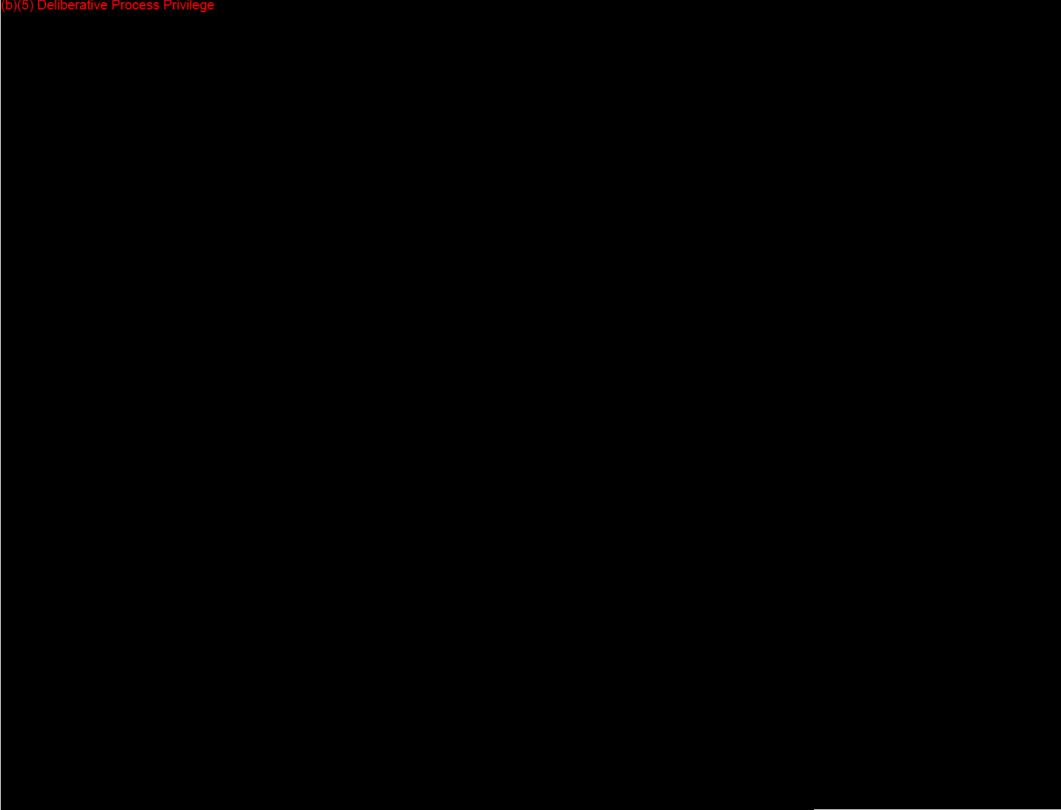


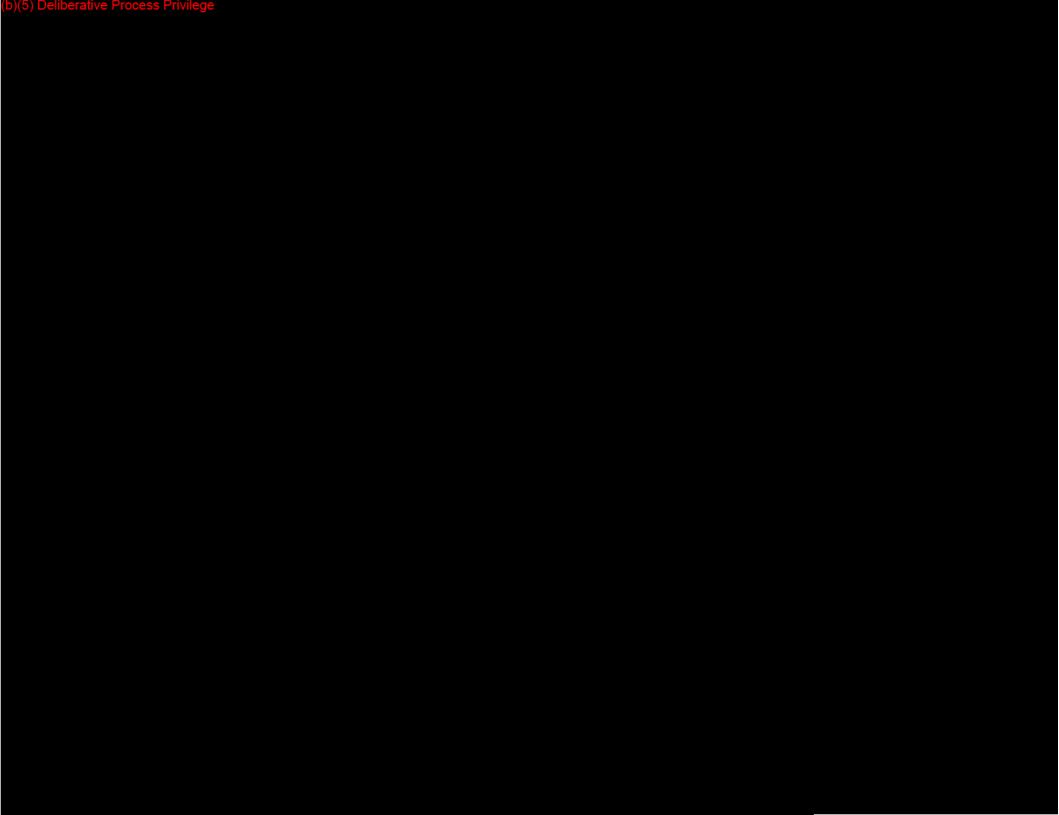


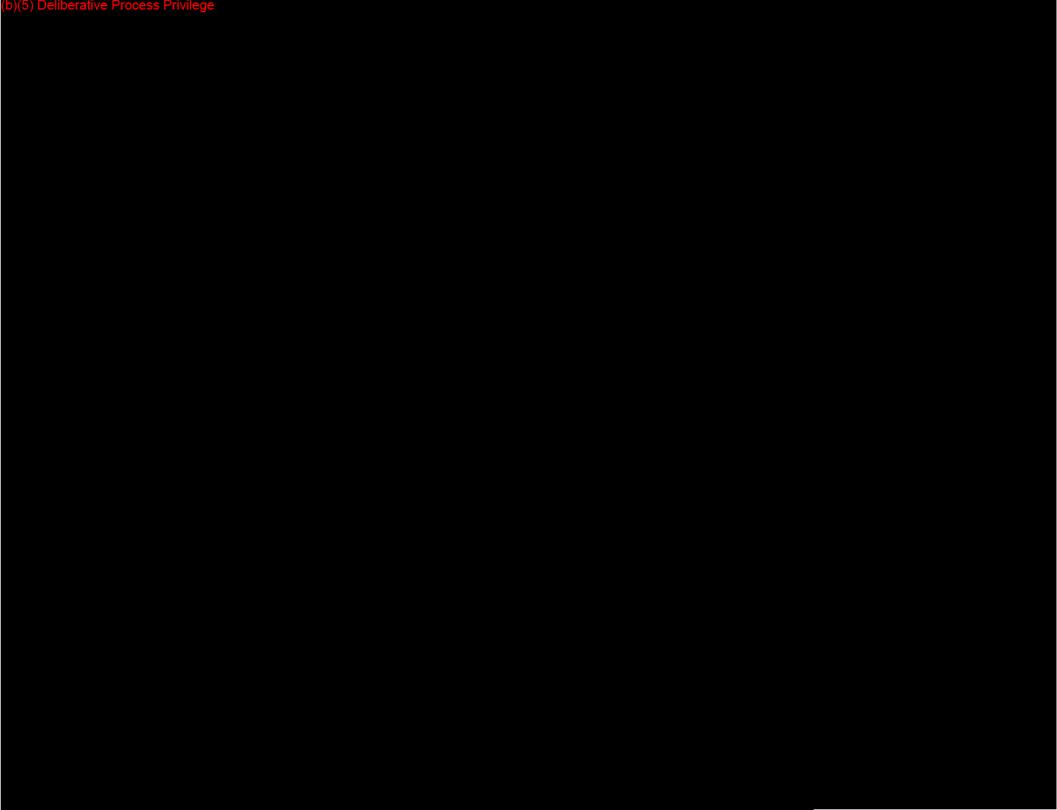


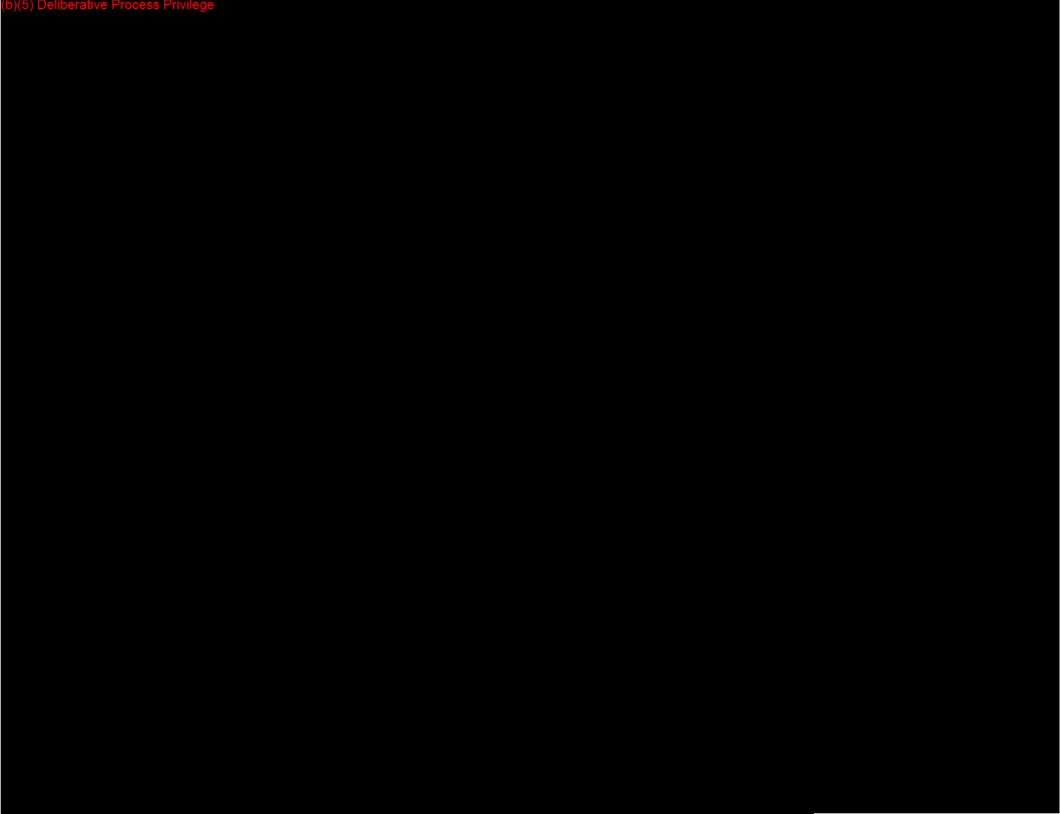


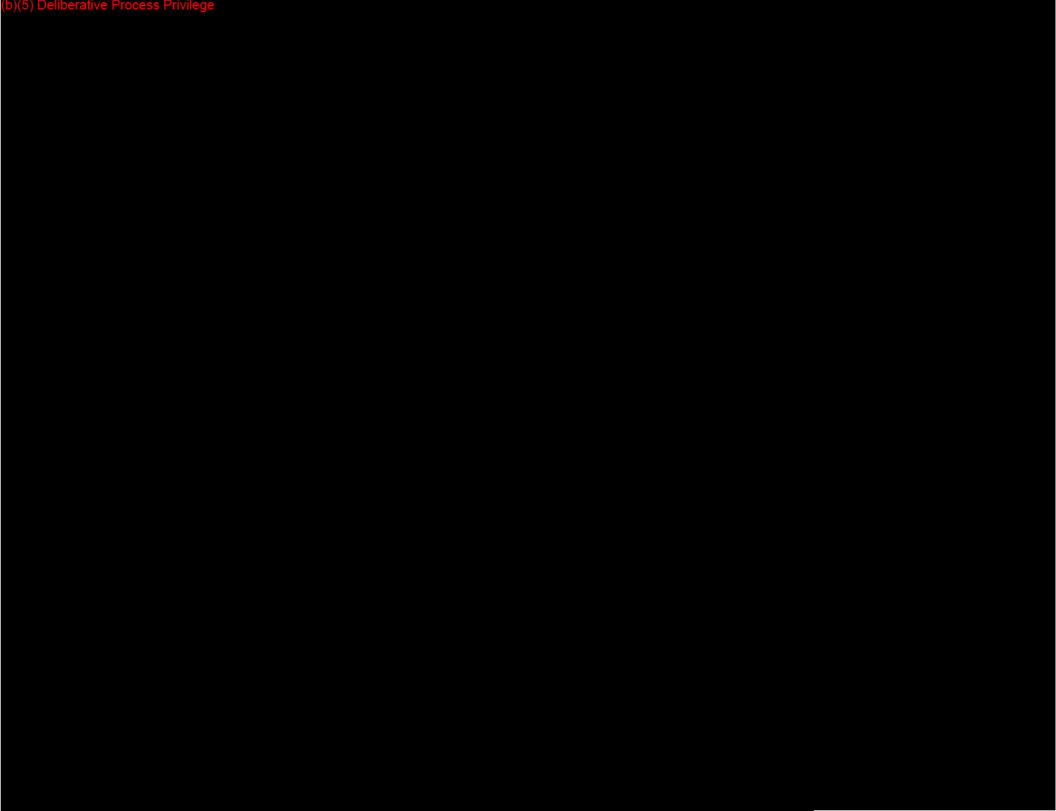


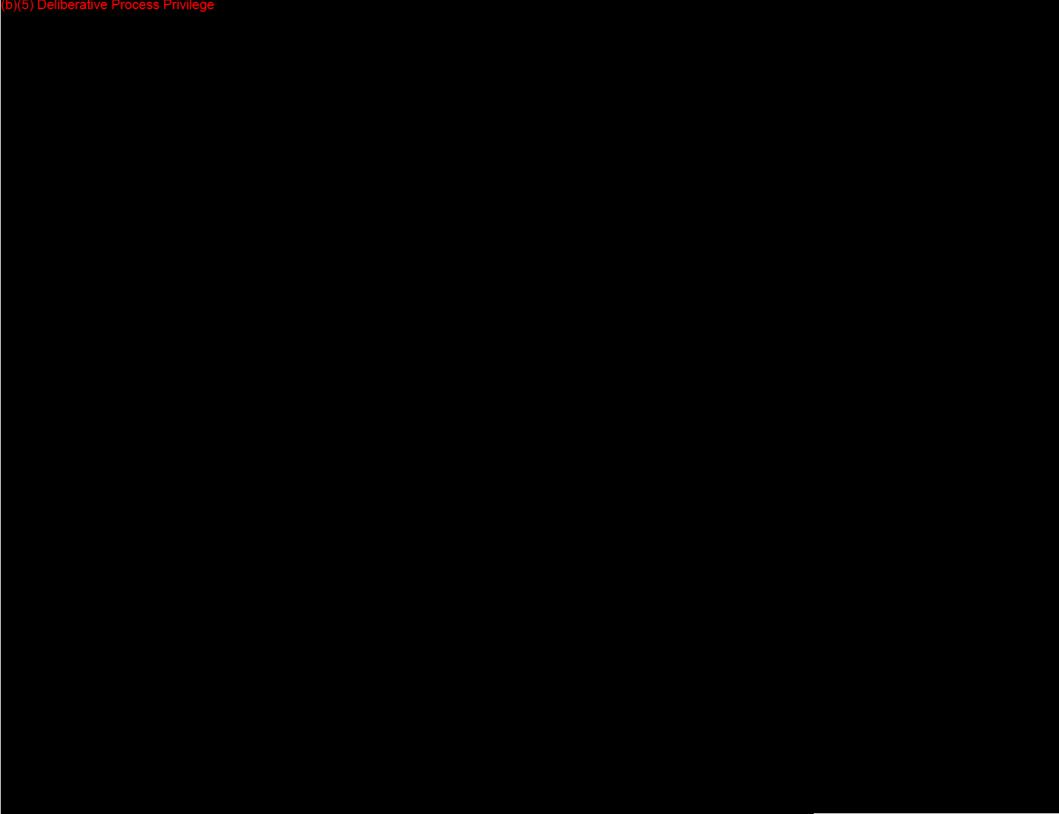


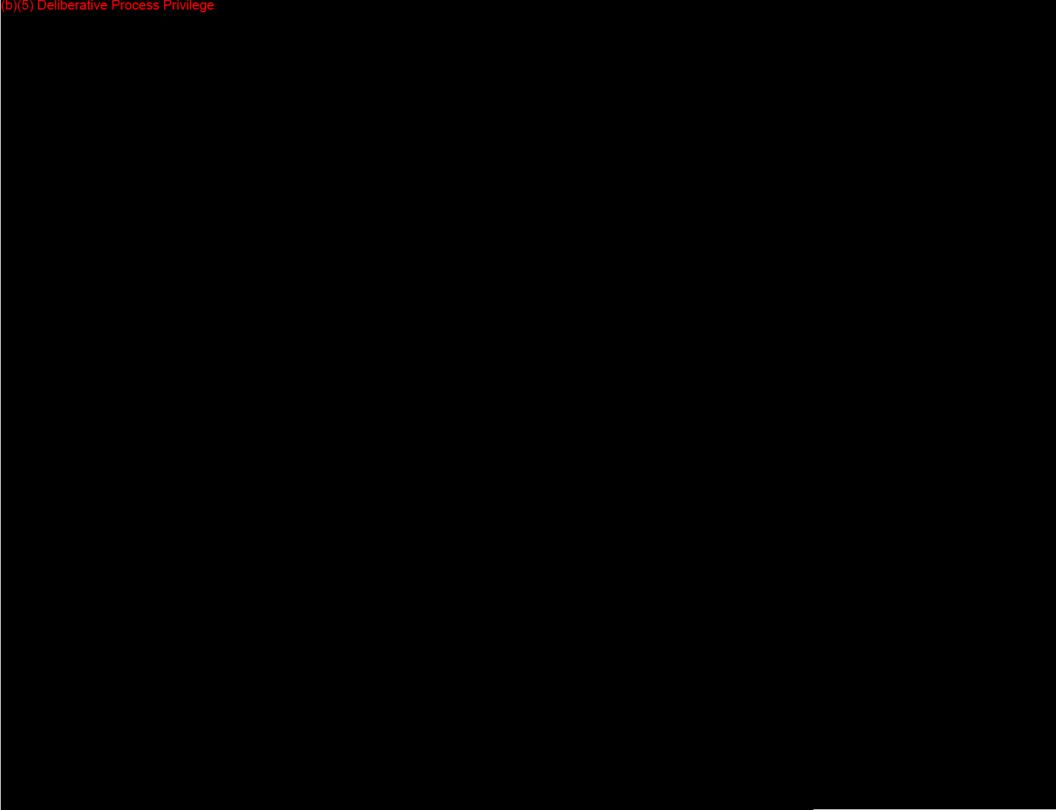


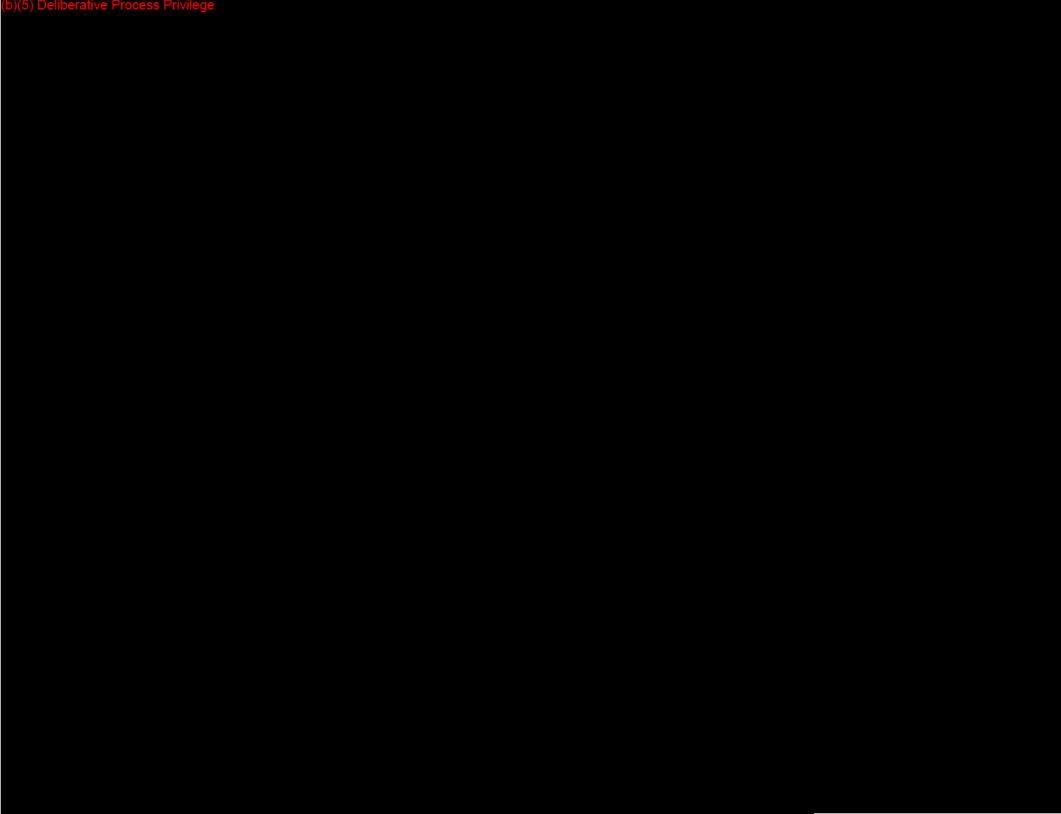


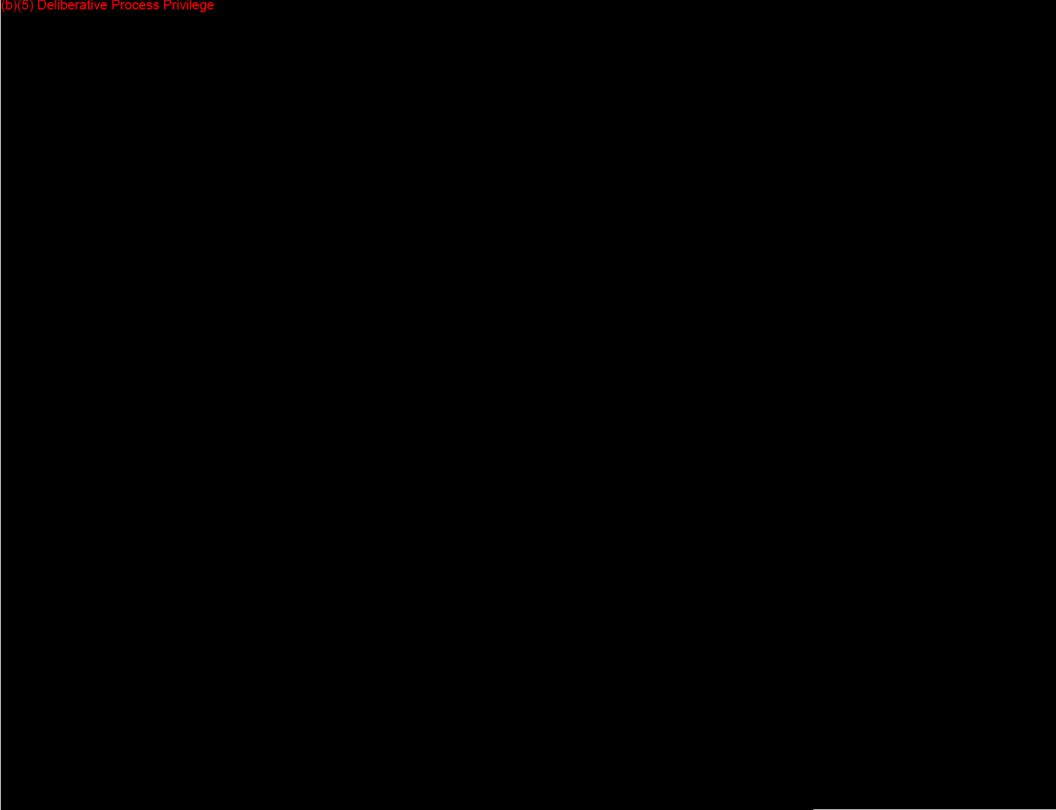


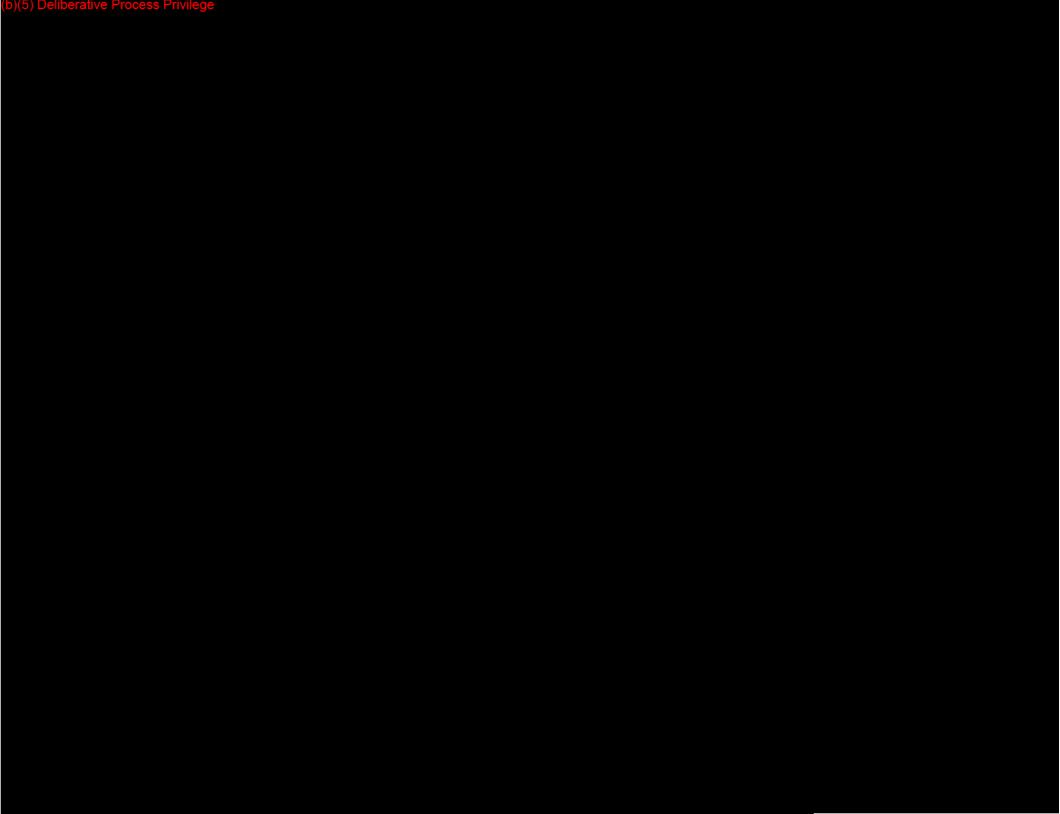


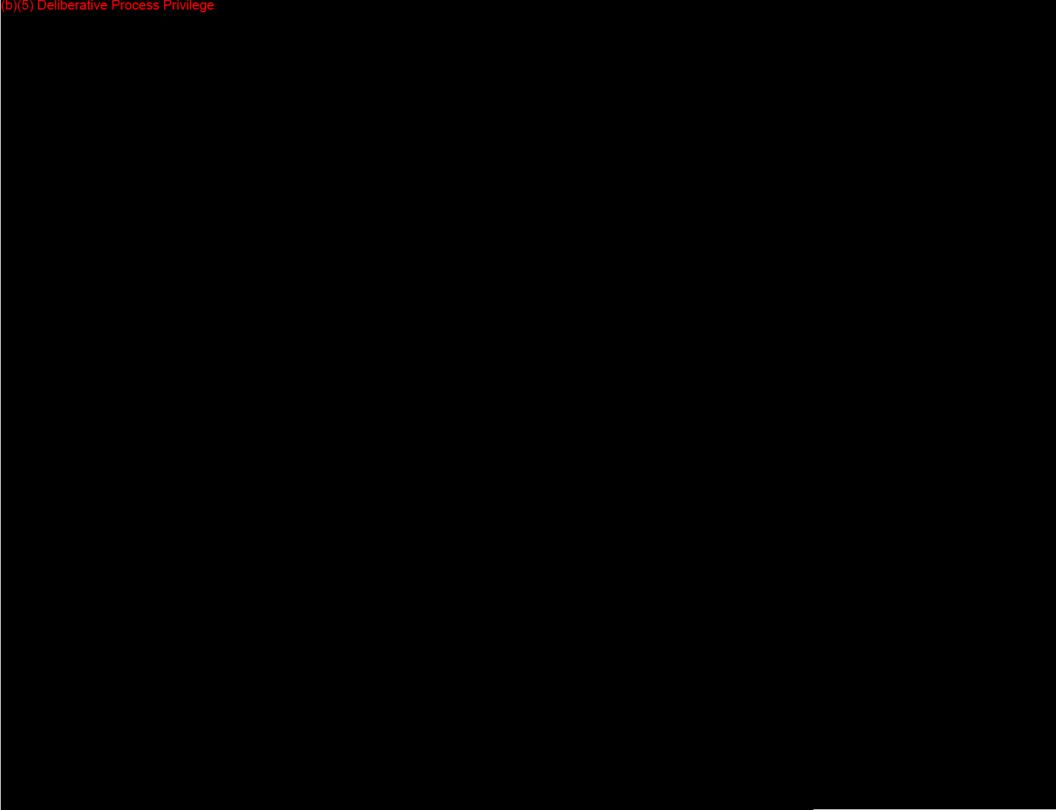


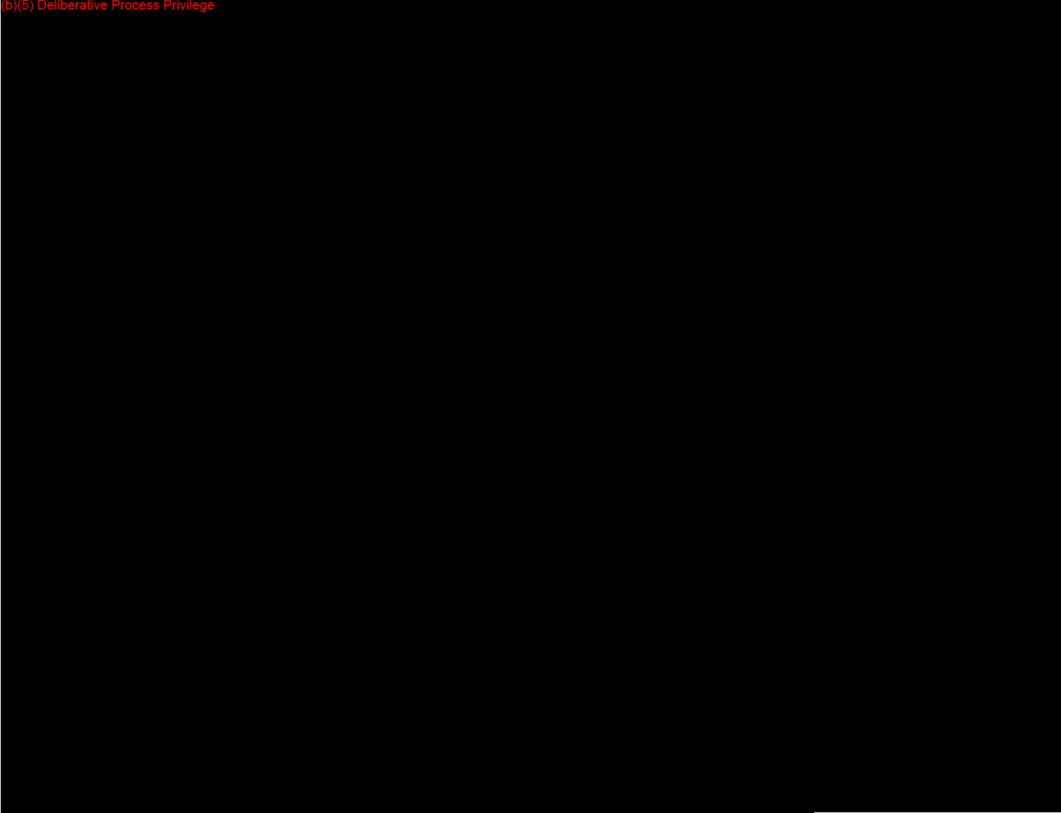


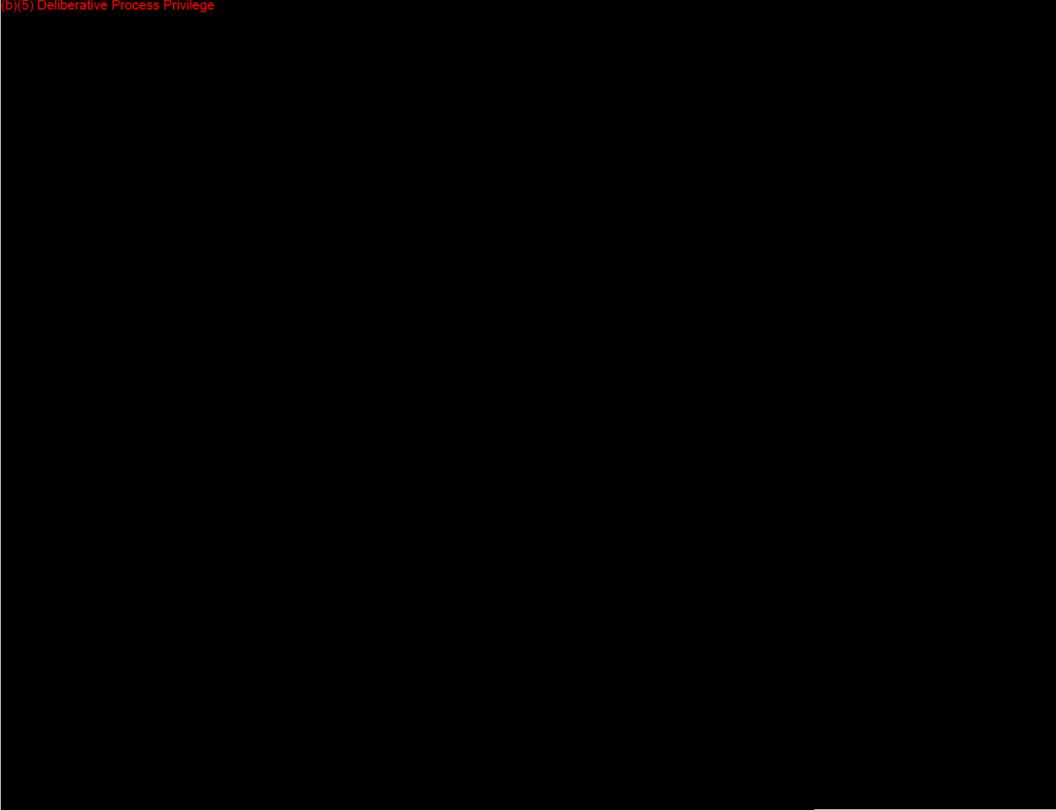


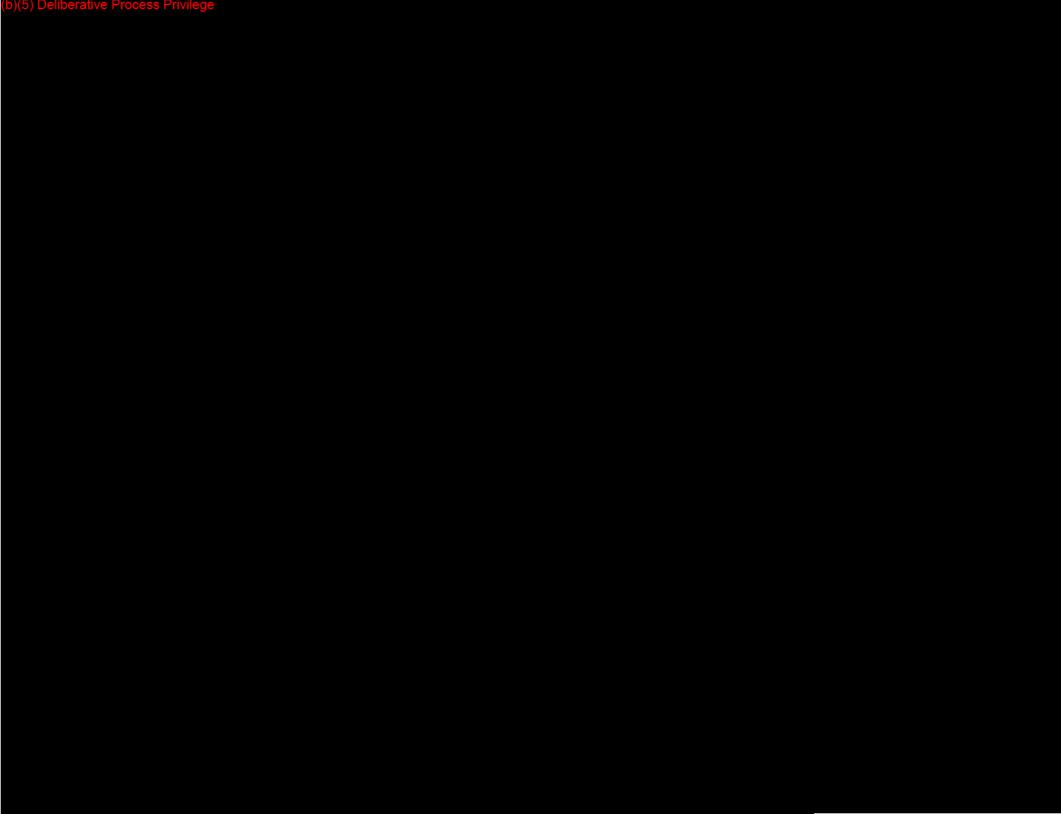


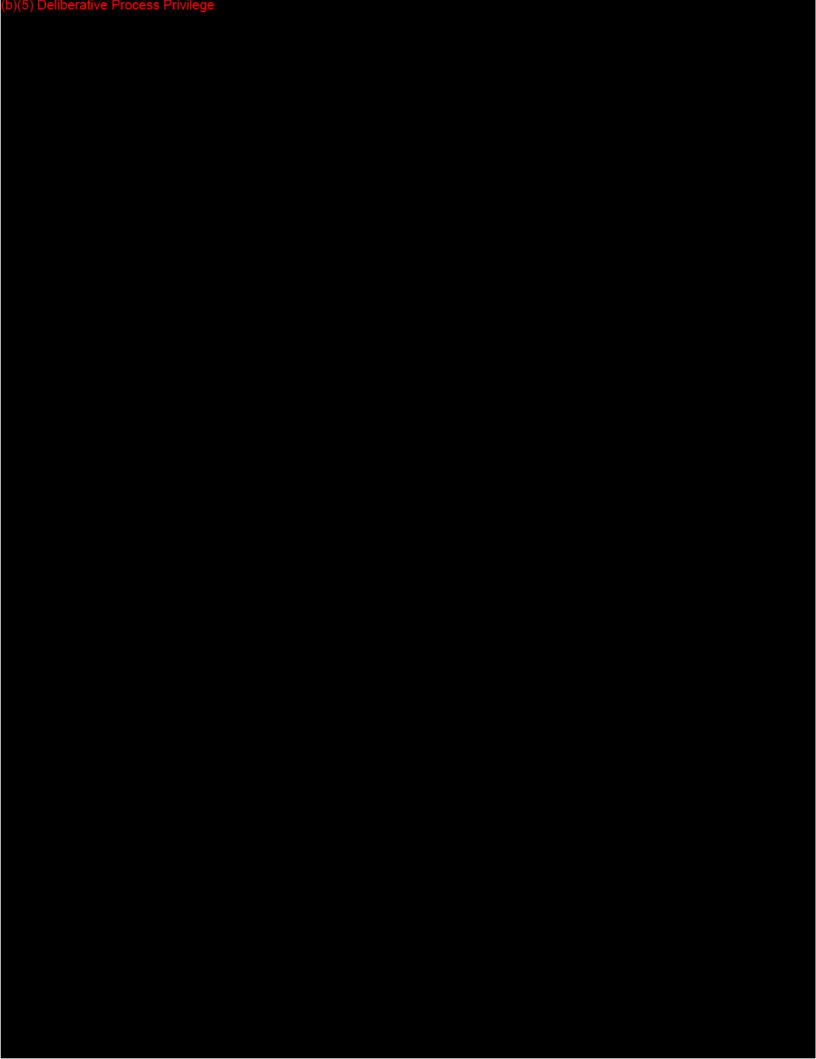












McGrath, Patricia Subject: ORD support for Pebble EIS Location: Clans Sater Thu 4/5/2018 1:00 PM Start: Bri Ha Bierwagen Molly Voughn Keta Snot End: Thu 4/5/2018 2:00 PM Recurrence: (none) **Meeting Status:** Meeting organizer Scott Hagerthy McGrath, Patricia Organizer: McGrath, Patricia; Schofield, Kate; Suter, Glenn; Molly Vaughan **Required Attendees:** (Vaughan.Molly@epa.gov) **Optional Attendees:** Lavoie, Emma; Bierwagen, Britta Resources:



McGrath, Patricia

Subject:

Pebble Cooperating Agency Meeting

Location:

Atwood Conference Center Room 106, 550 W 7th Avenue, Anchorage

Start:

Wed 10/24/2018 1:30 PM

End:

Wed 10/24/2018 5:30 PM

Recurrence:

(none)

Meeting Status:

Accepted

Organizer:

Craig, Bill

Shane will be providing additional information on the meeting next week but asked that I send the teleconference and WebEx information. Additional materials/handouts will be distributed before the meeting for those calling in.

Draft Agenda:

- 1. Review of alternatives to be analyzed in detail
- 2. Format and level of detail for Chapter 2
- 3. Update on Appendix B (addressing USACE/CA comments, next version will be Draft EIS)
- 4. Review of select alternatives:
- a. Filtered tailings (dry stack)
- c. Other mine locations
- d. Underground mining
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Accom - B:11

USACE - Shone

Rea-molly Patty

Join Webex meeting

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Global call-in numbers | Toll-free calling restrictions

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BSEE - Jeff

PARSA - Kin Wash. USFNS - Doug copper

Sus A - Kyle M.

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EPA-00135-006562

EPA-00135-006563

McGrath, Patricia

Subject:

Pebble EIS hydro & water discussion

Location:

R10Sea-Room-14Elwha/R10-Rooms-Service-Center; R10Sea-

ConfLineMM-206-553-7076;

Start: End: Tue 11/27/2018 9:00 AM Tue 11/27/2018 10:00 AM

Recurrence:

(none)

Meeting Status:

Meeting organizer

Organizer:

McGrath, Patricia

Required Attendees:

McGrath, Patricia; Timothy Maley (maley.timothy@epa.gov); Chris Eckley

(Eckley.Chris@epa.gov); Cindi Godsey (Godsey.Cindi@epa.gov); Muluken Muche

(muche.muluken@epa.gov); Palmer Hough (Hough.Palmer@epa.gov); Molly Vaughan

(Vaughan.Molly@epa.gov)

Optional Attendees:

Barbara Butler (Butler.Barbara@epa.gov)

Resources:

R10Sea-Room-14Elwha/R10-Rooms-Service-Center; R10Sea-

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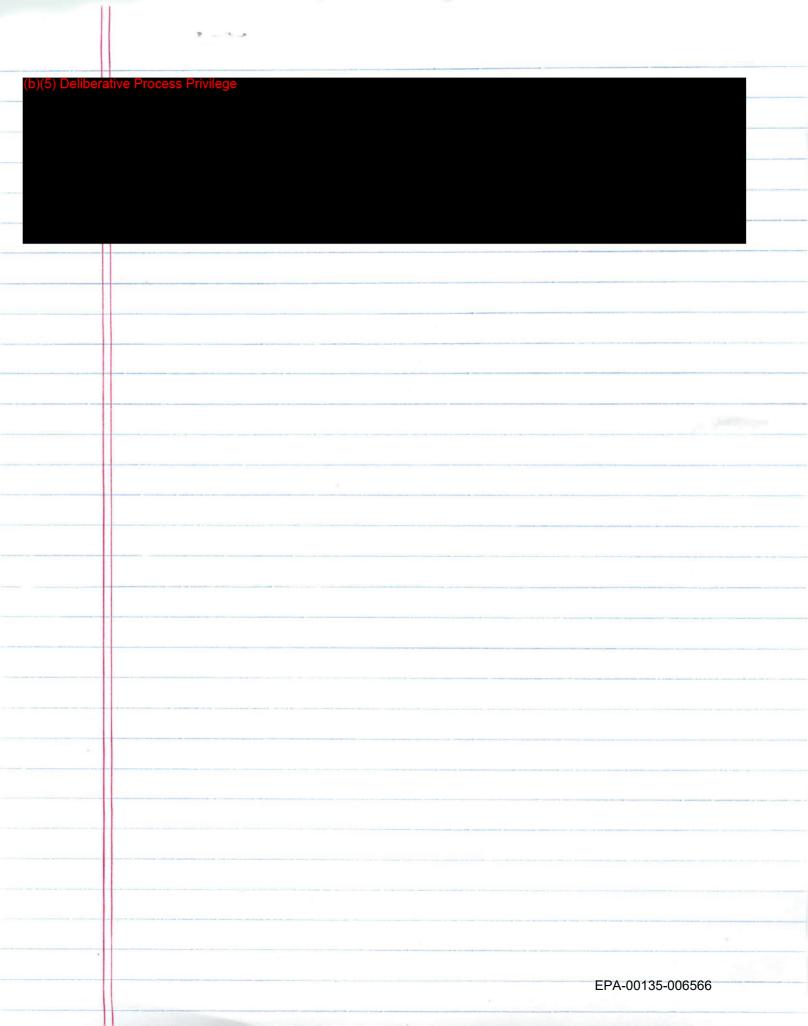
The purpose of this meeting is to discuss our thoughts/comments on Pebble PDEIS sections related to surface water and groundwater quality, hydrology, and hydrogeology before we submit comments to the Corps. In particular, I am interested in your thoughts on the modeling efforts and sufficiency at characterizing potential impacts. I know that you all might not have completed your reviews yet, but want to discuss initial thoughts.

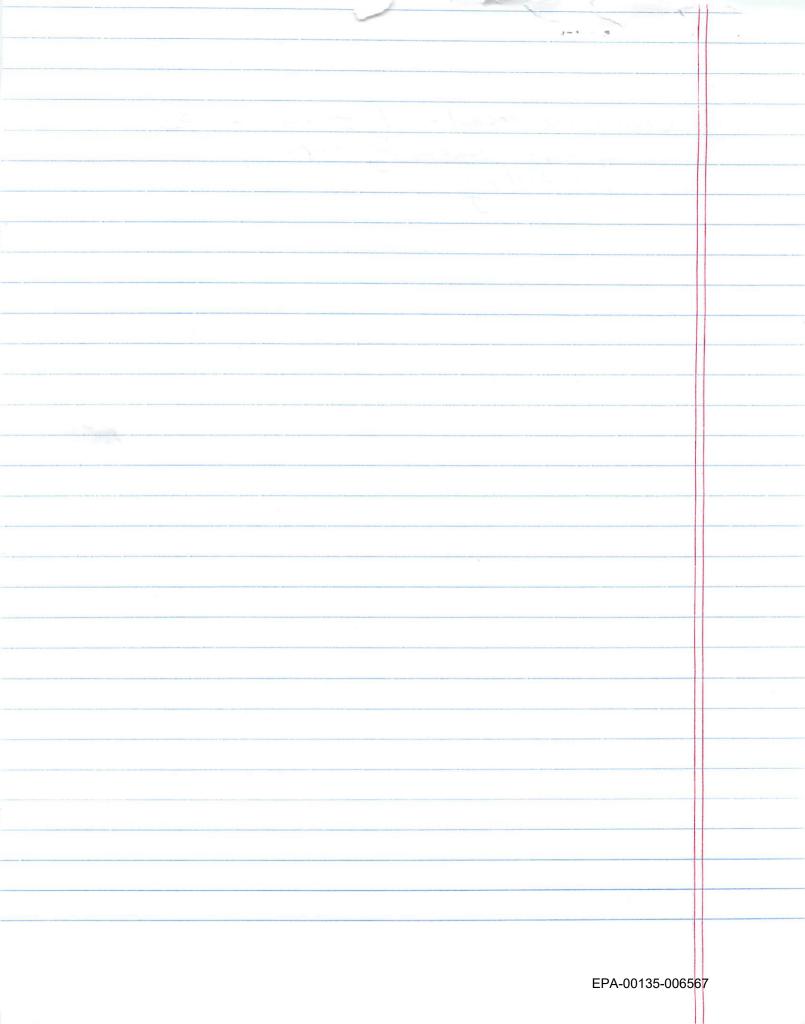
Thanks - Patty



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McGrath, Patricia

Subject:

Pebble EIS: Agency Meeting on Alternatives

Location:

AECOM - 500 G Street Suite 500, Anchorage or Teleconference

Start:

Wed 8/22/2018 2:00 PM

End:

Wed 8/22/2018 4:00 PM

Recurrence:

(none)

Meeting Status:

Accepted

Organizer:

Craig, Bill

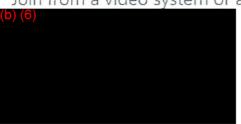
Agenda is attached.

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Join Webex meeting

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Can't join the meeting?

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Pebble Project EIS

Cooperating Agency Meeting Agenda

August 22, 2018; 1:00 to 3:00 pm AECOM Conference Room 700 G Street, Suite 500 Host: Bill Craig (907) 261-6703

(b) (6)

- 1. Introductions
- 2. Corps Status Report
 - Reminder that cooperating agency comments on early drafts of Chapters 3 and 4 are due August 31.
- 3. Alternatives Development Update
 - a. Purpose update cooperating agencies on alternatives development and request feedback on range of alternatives/preliminary screening
 - Review of Four Step Alternatives Development Process see AECOM memo dated August 17
 - Step 1 Define Screening Criteria
 - Step 2 Compile Full Range of Options
 - Step 3 Apply Screening Criteria to Full Range (we are here)
 - Step 4 Package Options into Alternatives
 - c. Review of the alternative options (Table 1 in August 17 memo)
 - d. Agency questions and feedback

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NFS - Jean Klune

Ceter - Nathan H. II, Bob Loasfler

So A - Kylo Mosolle

Atron - Jossica toans, John Isaacs, B. II Craig

BP - Molly, Paty

USACE - Shane, Contray

FUS - Dong Cooper, +

ACHP - John Eddins

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Pebble Project EIS
Alternative Screening Discussion
August 22, 2018
Page 1 of 3

Alternative Screening Discussion – Cooperating Agency Meeting

August 22, 2018 1:00-3:00 PM

AECOM Conference Room 700 G Street, Suite 500

Attendees and Affiliation

Bill Craig (Host), Elizabeth Bella, Jessica Evans, Jon Isaacs, Cara Wright, Sasha Forland (phone)
Shane McCoy, Katie McCafferty
John McCall
Douglass Cooper, Catherine Yeargan
Patty McGrath (phone), Molly Vaughan
Joan Kluwe (phone)
Kyle Moselle (phone)
John Eddins
Bob Loeffler, Nathan Hill (phone)
Courtenay Carty (phone), Gayla Hoseth (phone)
Wes Furlong (Native American Rights Foundation) (phone), Bill Beckley (phone) and Bruno Ridolfi (Ridolfi Environmental) (phone)

Purpose of Meeting: Update on alternatives development and request feedback on range of alternatives/preliminary screening.

Action Items:

- Cooperating agencies may submit additional comments by email. USACE will email cooperating agencies to set a deadline (early next week, week of 8/27/2018).
- AECOM will forward RFI 062 on mine buildout to participants (DONE).
- AECOM will develop the updated screening options table (Appendix B of the EIS) and alternatives description for cooperating agency review (week of 9/10/2018).

Meeting Notes:

Alternatives Development Update: Bill Craig reviewed the alternatives screening criteria stepped process, that screening is currently at Step 3, and is still ongoing for some the options. Bill further explained how scoping comments were incorporated into analysis of options.

MINE LOCATIONS AND LAYOUT OPTIONS

LOC-001 through LOC-003: Patty McGrath suggested a figure to illustrate and explain why these options have been selected.

MINING OPTIONS

MNG-002: Kyle Moselle suggested expanding reason for dismissal in the subsequent narratives as screening moves forward.

PROCESSING OPTIONS

Kyle mentioned that PRO-002 and other narratives need to be clear that information was provided by PLP and has been independently evaluated by the USACE and the EIS team.

THROUGHPUT OPTIONS



Pebble Project EIS Alternative Screening Discussion August 22, 2018 Page 2 of 3

Patty suggested need for more back-up statements about financial return.

GOLD RECOVERY – No Comments

POWER OPTIONS

New Option POW-11: Bill mentioned this option will be added to address a more direct natural gas pipeline route across Cook Inlet.

ACCESS OPTIONS

ACC-003: Bill mentioned this option would put the gas pipeline in Iliamna Lake or overland for the route sections that do not include a road.

ACC-021: Catherine Yeargan recommended expanding the rationale to use lightering and explain why deep draft navigation channel is no longer in the Proposed Alternative due to sea otter concerns.

ACC-004: Bob Loeffler noted that there have been some concerns regarding use of the ferry.

Kyle discussed north ferry terminal location; there were several comments during scoping about ice stacking up, wind, erosion, high-value moose hunting habitat. Bill mentioned some north terminal site options were dismissed due to the potential level of local project activity.

A site east of the ACC-006 option (small bay east of proposed site) was suggested as an additional option or as a variant to the proposed action (similar to how the Kokhanok East Ferry Terminal Site was included in ACC-001).

ACC-011: Bob mentioned this option may create more issues for subsistence and village of Kokhanok. Bill said evaluation would continue in greater detail.

CONCENTRATE TRANSPORT

Patty mentioned there is a need to clarify what concentrate would be transported (copper or molybdenum concentrates, or both). Bill mentioned more detailed descriptions would be developed and considered. A new option may be a concentrate pipeline and return water line to process facility or a water treatment plant with marine outfall at Diamond Point facilities.

RECLAMATION AND CLOSURE - No comments

TAILINGS

Bill said paste tailings and dry stack options are under review. Kyle offered that the State can put resources toward the evaluation to help.

Patty suggested reviewing the ongoing EIS process for the Resolution copper/molybdenum mine in Arizona regarding tailings management techniques.

Kyle suggested as an editorial comment to focus on Proposed Alternative then incorporate evaluation of component options as alternatives; suggested using the Access options description as example to possibly organize options presentation better.

Bob had an editorial comment – TSF-011 not listed. Elizabeth Bella thought the content may have been moved to mitigation discussions and the numbering sequence change not updated.

TSF-012: Need to edit the Assessment piece to clarify that all tailings management options will need to account for the conditions (e.g., seismic activity, unexpected water volumes) – not just the option for Emergency Storage.



Pebble Project EIS
Alternative Screening Discussion
August 22, 2018
Page 3 of 3

Patty asked whether there is an option to place bulk and pyritic tailings in one location. Bill replied no but a combined bulk and pyritic facility could be analyzed. Kyle mentioned it may be reasonable to evaluate environmental effects of leaving pyritic tailings in temporary storage and not returned to pit.

Bill mentioned that PLP was asked what a 78-year mine with 55% development would look like –information was been requested for cumulative analysis (RFI 062).

Sasha Forland will forward RFI 062 to cooperating agencies and follow up once a response is received (DONE).

PAG WASTE ROCK OPTIONS – No comments

WATER TREATMENT AND AIR - No comments

Kyle mentioned the State received RFI 064 (regarding water quality criteria) and expects ADEC response by next Tuesday (Aug 28) to inform water treatment analysis.

Alternative Discharge Points: Patty asked if other discharge locations are included in options. Kyle noted there were questions during scoping about discharge locations.

McGrath, Patricia

Subject:

Pebble permit oversight/NEPA team

Location:

R10Sea-Room-14Elwha/R10-Rooms-Service-Center

Start: End: Thu 4/26/2018 1:00 PM Thu 4/26/2018 2:00 PM

Recurrence:

Monthly

Recurrence Pattern:

the fourth Thursday of every 1 month(s) from 1:00 PM to 2:00 PM

Meeting Status:

Meeting organizer

Organizer:

McGrath, Patricia

Required Attendees:

Molly Vaughan (Vaughan.Molly@epa.gov); Matthew LaCroix

(LaCroix.Matthew@epa.gov); Christopher Meade (Meade.Chris@epa.gov); Cindi Godsey

(Godsey.Cindi@epa.gov); Karl Pepple (Pepple.Karl@epa.gov); Jay McAlpine (McAlpine.Jay@epa.gov); Ashley Palomaki (Palomaki.Ashley@epa.gov); Neverley Shoemake (shoemake.neverley@epa.gov); Palmer Hough (Hough.Palmer@epa.gov);

Timothy Maley (maley.timothy@epa.gov); Chris Eckley (Eckley.Chris@epa.gov)

Optional Attendees:

Skadowski, Suzanne

Resources:

R10Sea-Room-14Elwha/R10-Rooms-Service-Center

(b) (6)

Monthly Pebble permit oversight/NEPA team meeting Agenda to be sent out before each meeting

Here is agenda for our team meeting today. Please let me know if you have additional items:

Status of scoping letter – Molly Scoping meetings – Molly, Neverley, Patty ORD support – Patty Next steps

b)(5) Deliberative Process Privilege



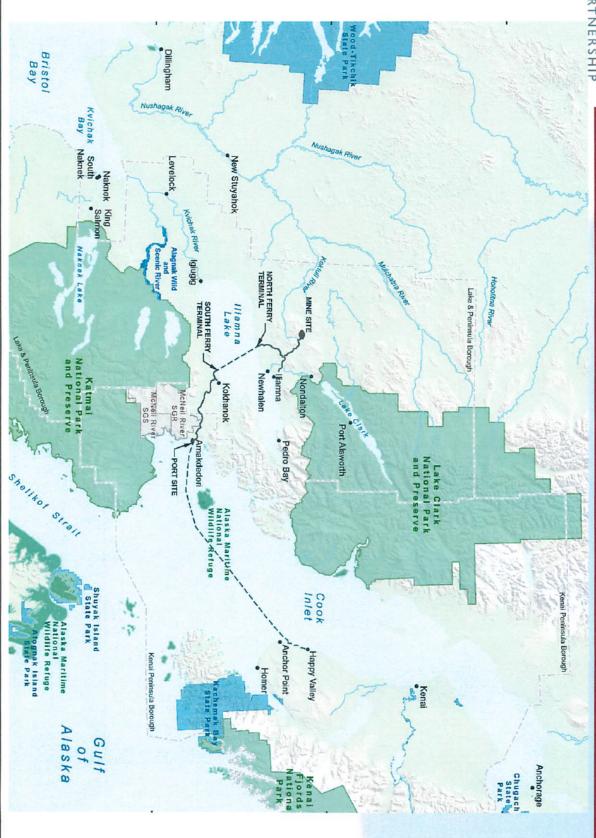


EPA Region 10 Project Overview February 8, 2018

John Shively – Chairman James Fueg – Vice President, Permitting



Project Location



(b)(5)
Deliber
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Proces
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Privileg



Project Summary

- 20-year operating life
- 1.2 billion tons of material mined
- Annual processing rate of 58 million tons

(b)(5) Deliberative Process Privilege

- Annual Cu-Au concentrate 600 thousand tons
- Annual Mo concentrate 15 thousand tons
- No permanent waste rock storage facility
- Segregated storage of bulk and pyritic tailings
- 230 megawatt gas fired powerplant
- Gas pipeline from Anchor Point
- Road and lake ferry to Cook Inlet
- 850 jobs during operations





_ayout and Major Drainages

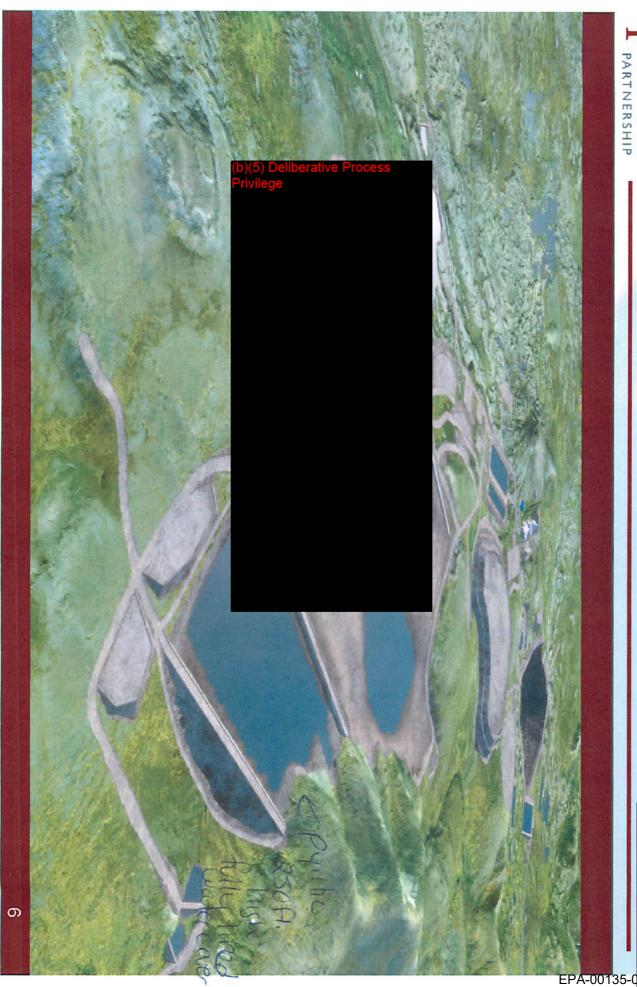




Mining

b)(5) Deliberati ve Process Privilege

EPA-00135-006579





Tailings Storage Facility

(b)(5)
Deliberative
Process
Privilege

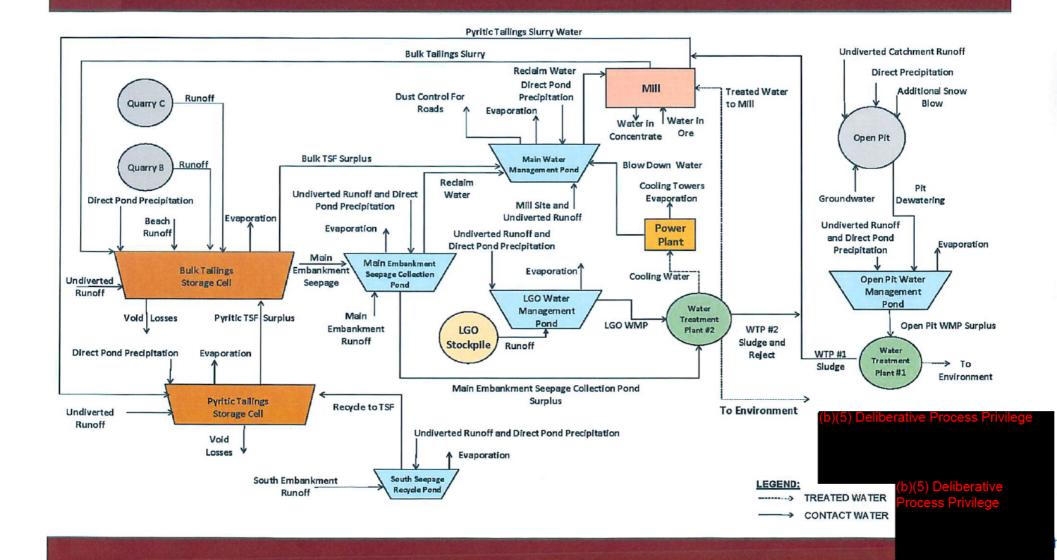
b)(5) Deliberative Process Privilege



Water Balance

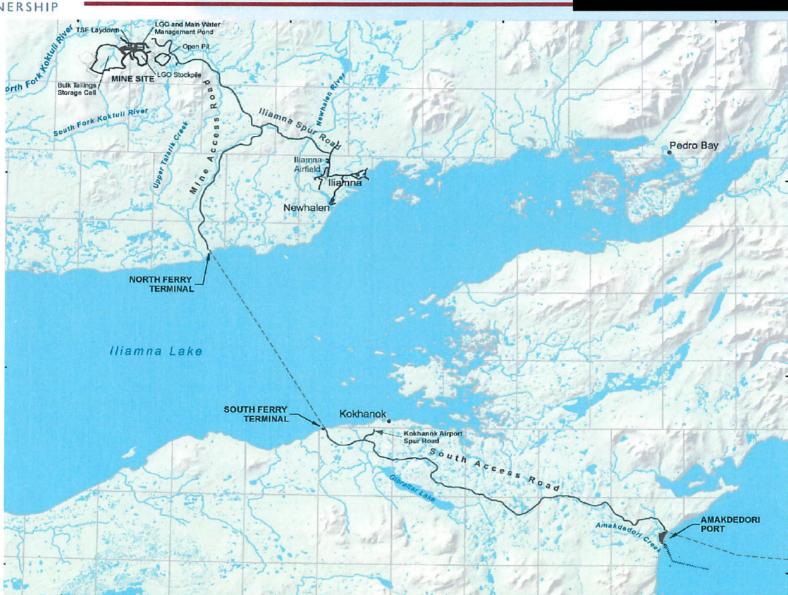
o)(5) Deliberative Process Privilege

EPA-00





Access



Process Privilege





Iliamna Lake Ferry

Ice breaking ferry for year-round operation

Design based on operating ferry on Williston Lake

(b)(5) Deliberative Process Privilege

- Ferry will be constructed at the south ferry terminal location
- Average of one round trip per day
 - 3 hours each way in ice
 - 1.5 hours each way in open water

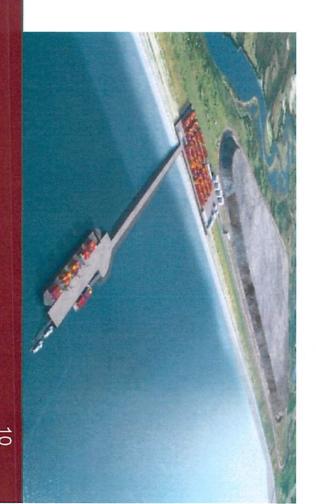




Amakdedori Port Site

- Causeway and jetty
- 50-ft draft dredged channel
- North side of jetty for supply barge access
- Annual operations traffic
- Up to 25 concentrate vessels
- Up to 30 supply barges





United States Army Corps of Engineers Meeting Agenda Cooperating Agencies

Department of the Army Permit Application POA-2017-271, Pebble Limited Partnership

June 6, 2018 0800-1530

Join WebEx meeting

(b) (6)

Join from a video system or application

(b) (6)

Join by phone

0800-0900

(b) (6)

Meeting Objectives: Identify technical working groups and points of contacts, Protocols for technical team interactions and expectations.

	Introductions of new CAs and revisit previous CAs
0900-1000	Introduction to Technical leads and back grounds
1000-1030	Break
1030-1200	Review of roles and responsibilities;

Welcome and Introductions

Cooperating Agency Coordination Plan/Protocols and

expectations

1200-1300 Lunch

1300-1400 Proposed Schedule for resource planning

Chapter 3 – send for 30 day review Scoping report; comments by 29 June

1400-1415 Break

1415-1530 Other*, wrap up, follow up task identification, closing comments

^{*}other may be discussion on project changes to date

USCG-DOW Soris

(b)(5) Deliberative Process Privilege

(b)(5) Deliberative Process Privilege

(b)(5) Deliberative Process Privilege

Individuals are required to self-report any arrests, charges or convictions that would keep the individual from obtaining or maintaining a favorable suitability or fitness determination. Programs impacted are referenced within the 42 U.S. Code § 13041 and include impacted individuals such as employees, DoD contractors, providers, adults residing in a family child care home, volunteers, and others with regular reoccurring contact with children.

Affected Public: Individuals or Households.

Annual Burden Hours: 1,250. Number of Respondents: 5,000. Responses per Respondent: 1. Annual Responses: 5,000. Average Burden per Response: 15 minutes.

Frequency: On occasion.

Respondents are DoD contractors, family child care providers, family child care adult family members residing in the home, and specified volunteers who provide child care services for children under age 18. This form will be initiated by DoD staff and will be maintained in the initiating DoD offices and/or appropriate Human Resources or Security Offices.

Dated: March 23, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–06284 Filed 3–28–18; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare an Environmental Impact Statement (EIS) for the Pebble Project

AGENCY: U.S. Army Corps of Engineers, Department of Defense.

ACTION: Notice of intent.

SUMMARY: The Alaska District, U.S. Army Corps of Engineers (the Corps) intends to prepare a Draft Environmental Impact Statement (DEIS) to assess the potential social, economic, and environmental impacts associated with the proposed Pebble open pit mine in wetlands, streams and Ocean near Cook Inlet. The EIS will assess potential effects of a range of alternatives.

DATES: Public scoping meetings are tentatively scheduled in Anchorage, Homer, Dillingham, King Salmon (Naknek), Iliamna (Newhalen), Nondalton, and Kokhanok (Iguigig) will occur in mid-April 2018. Information about these meetings and meeting dates will be published locally, posted at http://www.pebbleprojecteis.com, and available by contacting the Corps.

ADDRESSES: U.S. Army Corps of Engineers, P.O. Box 6898, Joint Base Elmendorf Richardson, AK 99506–0898.

FOR FURTHER INFORMATION CONTACT:

Questions about the proposed action and the Draft EIS should be referred to: Mr. Shane McCoy, Regulatory Division, telephone: (907) 753–2715 at http://www.pebbleprojecteis.com or by mail to the above address. To be added to the project mailing list and for additional information, please visit the following website: http://www.pebbleprojecteis.com.

SUPPLEMENTARY INFORMATION: An application for a Department of the Army permit was submitted by the Pebble Limited Partnership pursuant Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) on December 22, 2017, and was advertised in a Public Notice, POA-2017–271, on January 5, 2018. The public notice is available on Alaska District's public website at: http://www.poa.usace.army.mil//Portals/34/docs/regulatory/publicnotices/2018/POA-2017-271%20Pebble

 $PN.pdf?ver=2018-01-05-1\overline{5}3755-640.$ 1. Description of the Proposed Project. Pebble Limited Partnership (PLP) is proposing to develop the Pebble coppergold-molybdenum porphyry deposit as an open-pit mine, with associated infrastructure, in southwest Alaska, north of Lake Iliamna. The proposed project would require approximately four years to construct, with a projected mine life of approximately 20 years. Major project components include excavation of an open pit, that ultimately would be approximately 6,500 feet long by 5,500 feet wide, with depths between 1,330 and 1,750 feet; a tailings impoundment with 1.1 billion tons storage volume; a low grade ore stockpile with the capacity to store up to 330 million tons; an open pit overburden stockpile; a mill facility processing approximately 160,000 tons of ore per day; a natural gas-fired power plant with a total connected load of 230 mega-watt (MW), supplied by a 188mile, 10 to 12-inch diameter, natural gas pipeline across Cook Inlet and Iliamna Lake to the Mine Site; and transportation infrastructure including a 30-mile road from the Mine Site to a ferry terminal on the north shore of Iliamna Lake, an 18-mile crossing with an ice-breaking ferry to a terminal on the south shore of Iliamna Lake, and a 35-mile road to the proposed

Amakdedori Port on Cook Inlet. The proposed mine and related facilities would have a total footprint of approximately 5.9 square miles.

The pipeline route would originate on the Kenai Peninsula, connecting to the existing gas pipeline infrastructure near Happy Valley. A metering station would be constructed at the off-take point and the pipeline would then follow south along the Sterling Highway for 9 miles to a gas-fired compressor station north of Anchor Point. The compressor station would feed a 94-mile subsea pipeline from the east shore of Cook Inlet to Amakdedori Port on the west shore. A second gas-fired compressor station would be located at the port site. The pipeline route would then follow a 30mile mine access road to the south shore of Iliamna Lake, where the pipeline would enter Iliamna Lake for approximately 18 miles. The pipeline would come ashore at on the north shore of the lake, where it would follow the mine access road to the Mine Site.

- 2. Alternatives. A range of alternatives of the proposed action will be identified, and those found to be reasonable and practicable will be fully evaluated in the DEIS, including: the no action alternative, the applicant's proposed alternative, alternative mine locations and mine plans, alternative mining methods and processes, alternatives that may result in avoidance and minimization of impacts, and mitigation measures not in the proposed action. However, this list is not exclusive and additional alternatives may be considered for inclusion.
- 3. Scoping Process and Public Involvement. The scoping period will extend from April 1, 2018, through April 30, 2018. Scoping is conducted to assist in determining the scope of analysis, significant issues and alternatives to be analyzed in depth in the DEIS. Comments should be as specific as possible. Additional public involvement will be sought through the implementation of the public involvement plan and the agency coordination team.
- 4. Significant Issues. Numerous issues will be analyzed in depth in the DEIS related to the effects of the proposed Pebble mine and associated infrastructure construction, operation, and closure. These issues will include, but will not be limited to, the following: wetlands, water quality, air quality, hazardous materials, fish and wildlife, vegetation, cultural resources, food production, land use, needs and welfare of the people (socioeconomics including commercial fishing and tourism), recreation, general environmental

concerns, historic properties, navigation, and safety.

5. Additional Review and
Consultation. Additional review and
consultation which will be incorporated
into the preparation of the DEIS will
include, but are not necessarily limited
to coordination under Section 401 of the
Clean Water Act, Essential Fish Habitat
coordination; consultation under
Section 7 of the Endangered Species
Act; and consultation under the
National Historic Preservation Act

Shelia Newman.

Deputy Chief, Regional Regulatory Division, U.S. Army Corps of Engineers, Alaska District. [FR Doc. 2018–06369 Filed 3–28–18; 8:45 am]

BILLING CODE 3720-58-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2018-ICCD-0030]

Agency Information Collection Activities; Comment Request; Expanding Opportunity Through Quality Charter Schools Program: Technical Assistance To Support Monitoring, Evaluation, Data Collection, and Dissemination of Best Practices

AGENCY: Office of Innovation and Improvement (OII), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before May 29, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use http://www.regulations.gov by searching the Docket ID number ED-2018-ICCD-0030. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at http:// www.regulations.gov by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 216-44, Washington, DC 20202-4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Patricia Kilby-Robb, 202–260–2225.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Expanding Opportunity through Quality Charter Schools Program: Technical Assistance to Support Monitoring, Evaluation, Data Collection, and Dissemination of Best Practices.

OMB Control Number: 1855–0016. Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 102.

Total Estimated Number of Annual Burden Hours: 136.

Abstract: This request is for an extension of OMB approval to collect data for the Expanding Opportunity through Quality Charter Schools Program: Technical Assistance to Support Monitoring, Evaluation, Data Collection, and Dissemination of Best Practices formerly titled Charter Schools Program (CSP) Grant Awards Database. This current data collection is being coordinated with the EDFacts Initiative to reduce respondent burden and fully utilize data submitted by States and

available to the U.S. Department of Education (ED). Specifically, under the current data collection, ED collects CSP grant award information from grantees (State agencies, charter management organizations, and some schools) to create a new database of current CSP-funded charter schools. Together, these data allow ED to monitor CSP grant performance and analyze data related to accountability for academic purposes, financial integrity, and program effectiveness.

Dated: March 23, 2018.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018-06244 Filed 3-28-18; 8:45 am]

BILLING CODE 4000-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0819]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the